

ARTICLE 9. PLANNED UNIT DEVELOPMENT

SECTION 201: ■PUD• PLANNED UNIT DEVELOPMENT

- A. Purpose. The provisions of this Section are designed to deal with larger scale developments and facilitate better site planning and community planning through modification of certain district regulations as they apply to such development.
- B. It is hereby recognized that, for larger scale developments, the regulations of districts in the Zoning Code, either individually or collectively, might impose unnecessary or undesirable rigidities on the site plan and thereby prevent achievement of the best possible plan within the Code. Therefore, this Article has the following intents:
 - 1. To permit flexibility in site design by taking into consideration varying topographical conditions present on a proposed site.
 - 2. To achieve more efficient use of land, within the framework and intent of the Zoning Ordinance, which can result from larger scale or multiple use developments.
 - 3. To encourage and permit provision of open space.
 - 4. To protect and preserve scenic assets and natural features and to incorporate these into the development.
 - 5. To foster a more stable community by providing a variety and balance of housing types and living environments.
 - 6. To encourage and permit variety in the location of buildings, roads, parking lots, and other facilities and activities.
 - 7. To increase the safety of pedestrian and vehicular traffic by reducing the number of traffic conflict points within a development.
- C. This Article is intended to achieve these objectives while promoting and protecting the public health safety, and welfare of Franklin County, and while safeguarding the present or future use and development of areas surrounding a proposed ■PUD•.
- D. The ■PUD• designation is intended to be attached to use districts set forth in the Unified Land Use Regulations and is not a separate use district. The ■PUD• designation may be attached to a parcel of land under the Zoning District classifications(s) existing at the date of application of ■PUD• designation. It is

further intended that a ■PUD■ designation may be applied to a residential, non-residential, or a combined residential non-residential development but may not under any circumstances involve industrial uses.

E Processing Procedures for Planned Unit Developments are as follows;

1. Application and sketch plan submitted to Planning and Zoning Department for staff review one month prior to the next regularly scheduled Planning and Zoning Commission meeting.
2. Sketch plan of planned unit development presented to the Planning and Zoning Commission.
3. Application for Area plan submitted to the Planning and Zoning Department for public hearing.
4. Public hearing scheduled before the Planning and Zoning Commission for review and public comment on application and area plan.
5. Planning and Zoning Commission review application and area plan after public hearing and issue decision within sixty (60) days of public hearing.
6. Final area plan submitted to Planning and Zoning Director for approval and recording provided no substantial changes have been made (other than those recommended by the Planning and Zoning Commission).

F. Any application that does not include all required information or that is not accompanied by the required fee (as established by County Commission Order) shall be returned to the applicant as incomplete and no further processing shall occur until the deficiencies are corrected.

SECTION 202: AUTHORITY

The Planning and Zoning Commission shall have the authority to approve the area Planned Unit Development (PUD) Plans. Final area plans shall be approved by the Planning and Zoning Director provided no substantial changes have been made and recommendations by the Planning and Zoning Commissions have been followed.

SECTION 203: MINIMUM PUD AREA

The minimum area to be developed under the regulations of this Article shall be *fifty (50)* acres, provided however, that the minimum pud area may be waived by the Planning and Zoning Commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees, or wooded areas; wetlands, flood plain, or poor soil

conditions on portions of the property; water courses or utility easements crossing the parcel; unusual shape or proportions; and isolation from other undeveloped or developable lands. In such case, the applicant shall submit information to the Commission to support the request for a waiver of the minimum tract size requirement. The Commission shall consider the request and act thereon, record said action in the minutes of the meeting, and inform the applicant of the action in writing. The request for waiver and the Commission's action shall be made prior to the applicant's submittal of an application for a Planned Unit Development designation.

SECTION 204: APPLICATION PROCEDURE

- A. The owner(s) of record, or any person(s) acting on behalf of the owner(s) of record of any tract fifty (50) acres or larger in area, may apply for a ■PUD• designation. The application for a ■PUD• designation shall be for review and approval of an area plan for development of the entire tract. The application may accompany a zoning amendment application for the lot in question. Following review by the Planning and Zoning Commission and approval of the area plan and designation of the lot as a ■PUD•, a second application shall be made for approval of a Final Site Plan for the entire tract, or portion thereof, if development is to occur in phases. A separate application for Final Site Plan approval shall be required for each phase. No construction or other site improvements may commence and no permit shall be issued therefore, on a tract with a multiple stage ■PUD• designation, until a Final Site Plan for said tract or part thereof has been approved in accordance with this Article.
- B. Each application shall be filed with the Director, who shall transmit the area plan to the Planning and Zoning Commission. The application must be filed at least thirty (30) days prior to the Commission meeting at which it is to be first considered.

SECTION 205: INFORMATION REQUIRED-AREA PLAN

- A. Application. The application for Area Plan approval shall include the following information:
 - 1. The name of the proposed ■PUD•.
 - 2. Names, addresses and phone numbers of the owner(s) of, record, engineer, surveyor or designer responsible for the planning, engineering survey and design.
 - 3. Acreage in the PUD.
 - 4. Legal description of the entire ■PUD•.
 - 5. Proposed deed restrictions, protective covenants, and homeowner's

association articles of incorporation and bylaws.

6. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
 7. Any additional information deemed necessary by the Director.
- B. Area Plan. The application shall be accompanied by five (5) copies of the proposed Area Plan drawn at appropriate scale showing:
1. Name of the proposed "PUD" project.
 2. Scale, date and north arrow.
 3. A key map showing the "PUD" in relation to the surrounding area
 4. Within *two hundred (200)* feet of the proposed development, names of adjacent subdivisions, layout of streets (with names), rights of way widths, connections with adjoining platted streets, widths and locations of alleys, easements, and public sidewalk adjacent to or connecting with the tract location and size of all existing sanitary sewer, storm sewer and supply facilities.
 5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys and existing structures.
 6. Existing topography (at least five (5) foot contour intervals). All topographic data shall directly relate to USGS data.
 7. The zoning status of the "PUD" and of all adjacent properties shall be identified on the Plan. If the project is situated within more than one zoning district, the zoning district boundary lines shall be clearly indicated.
 8. The general plan layout of the entire "PUD" showing proposed land uses, streets, parking areas, open space areas, and sidewalk with significant dimensions indicated where appropriate to clarify the plan.
 9. All planned use areas shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the Planned District shall be indicated on the plan dedication or reservation.
 10. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures,

including proposed easements or grants for public utilities.

11. Proposed stages of development.
12. Residential data.
 - a. Estimated total residential units.
 - b. Average square feet of residential land per each type of residential unit.
 - c. Proposed setbacks for front, side, and rear of lots if different than required by regulations in effect as of date of application.
13. Commercial data.
 - a. Estimated total building square footage by land use type.
 - b. Percent building coverage by land use type for business "PUD'S."
 - c. Total parking and loading/unloading designated areas by land use type and parking ratio per floor area.
 - d. Proposed setbacks for front, side, and rear of lots.
14. Any additional information deemed necessary by the Director to adequately illustrate the proposed development.

SECTION 206: PROCEDURE FOR AREA PLAN REVIEW

- A. Upon receipt of the area plan from the Director, the Planning and Zoning Commission shall undertake a study of the area plan. The Commission shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the standards of this article and other pertinent ordinances.
- B. The Planning and Zoning Commission shall, at the next meeting after which it receives the area plan from the Planning Department, establish a public hearing on the area plan, said hearing to be held within thirty (30) days of the filing date or at the regular Commission meeting closest to that date. At least fifteen (15) days notice of the hearing shall be published in a newspaper of general circulation along with hearing notice for a zoning amendment for the tract in question, if such amendment is applied for. The public hearing may be held jointly with a public hearing on any zoning change and/or conditional use permit or other requested variances as a result

of the development for the tract in question.

- C. The Planning and Zoning Commission shall review the area plan, and shall approve or deny the area plan. If a zoning amendment application has been made for the subject tract to permit the development proposed in the area plan, the Planning and Zoning shall take action on such amendment before taking action on the area plan.
- D. If the area plan is approved by the Planning and Zoning Commission, the applicant shall review the area plan in its approved form. The applicant and the owner(s) of record shall then sign a statement that the approved area plan shall be binding upon the applicant and the owner(s) of record and upon their heirs, successors, and assigns. The area plan shall not be officially approved nor may the applicant submit a Final Site Plan for the PUD or any part thereof, until said statement has been signed as required herein. The foregoing approval and signing shall constitute official approval of the "PUD" designation for the subject tract. Rezoning may be made contingent upon the "PUD" statement being properly signed.
- E. Within five (5) working days of the official approval of an Area Plan, the Director shall accurately note, and the Planning and Zoning Commission Chairman attest, the "PUD" designation for the PUD in question on the Official Zoning Map.

SECTION 207: STANDARDS FOR AREA PLAN APPROVAL

The Planning and Zoning Commission shall determine and shall provide evidence of same in its decision, that the proposed area plan meets the intent of this Chapter and meets the following standards:

- A. The use of land shall be in conformance with the permitted uses of the district in which the proposed development is to be located, and conforms to the adopted Comprehensive Plan or any part thereof, or represents land use policy which, in the Commission's opinion, is a logical and acceptable change in the adopted Comprehensive Plan.
- B. The average density of development within the "PUD" shall remain the same as would be permitted if the area were to be developed conventionally. Average density is to be calculated as total land area excluding public right of way. However, the development (buildings) so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.
- C. The proposed development shall be adequately served by public facilities and services, such as: highways, streets, easements, drainage courses, stormwater

retention and detention facilities, water and sanitary sewer facilities in a manner acceptable to the Planning and Zoning Commission.

- D. Each phase of the proposed development shall not be dependent upon completion of subsequent phases of the same development for the facilities and services identified in Subsection C above.
- E. Open space, individual properties, and all other elements of the "PUD" are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site and the surrounding land. All open spaces shall be permanently secured as such to the satisfaction of the Planning and Zoning Commission.
- F. The location of the proposed uses, layout of the site and its relation to streets giving access to it, shall be such that traffic to, from, and within the tract, and concentration of persons in connection therewith, will not be hazardous or inconvenient to the project or the neighborhood. In applying this standard, the Planning and Zoning Commission shall consider among other things, convenient routes for pedestrian traffic, particularly of children; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood.
- G. Where applicable, the Planning and Zoning Commission shall determine that noise, odor, light, or other external effects from any source whatsoever, which are connected with the proposed use, will not adversely affect adjacent and neighboring areas and uses.

SECTION 208: EFFECT OF AREA PLAN APPROVAL

Approval of the area plan by the Planning and Zoning Commission shall have the following effects:

- A. Approval shall assure the applicant that the Area Plan is acceptable to the Planning and Zoning Commission according to the following table provided construction is diligently pursued, and authorizes the applicant to file a Final Site Plan for the entire tract or portion thereof if the "PUD" is developed in phases.

<i>Acres</i>	<i>Time</i>
50 to 100	2 years
>100	5 years

- B. Official approval of the Area Plan shall confer "PUD" status to the subject tract and permit modifications of lot area, lot width, yard requirements, and spacing among buildings and structures within the lot, except on the perimeter thereof, all as set forth in the approved area plan.
- C. No deviations from the Area Plan approved by the Planning and Zoning Commission shall be permitted except as provided in this Article.
- D. Approval of the Area Plan of a "PUD" shall expire and be of no effect two years after the date of approval unless a Final Site Plan has been approved by the Planning and Zoning Commission for the initial phase.
- E. Approval of the area plan of a PUD shall recognize the developer's right to construct the development.

SECTION 209: INFORMATION REQUIRED FINAL SITE PLAN

Every Final Site Plan submitted to the *Planning and Zoning Department* shall be in accordance with the requirements of Article 8, Section 165.

SECTION 210: PROCEDURE FOR FINAL SITE PLAN REVIEW

- A. The Planning and Zoning Director shall, upon receipt of a Final Site Plan, study same and approve or deny the Final Site Plan. The Director shall advise the applicant of its action in writing.
- B. The applicant and owner(s) of record shall review the approved Final Site Plan and sign a statement that the approved Final Site Plan shall be binding upon the applicant and the owner(s) and their heirs, successors and assigns.
- C. Building Permits may be issued after the applicant has signed the required statement.
- D. The procedure of this Section shall be repeated in full for each phase of the development in the approved Area Plan.
- E. Site plan approval shall be subject to the requirements of a giving of escrow as outlined in Article 8, Section 165, Paragraph B, subparagraph 4.

SECTION 211: STANDARDS FOR FINAL SITE PLAN APPROVAL

The Planning and Zoning Commission, in granting Final Site Plan approval, shall determine that the following standards have been met.

- A. The Final Site Plan shall conform to the approved Area Plan, except that minor variations in layout may be permitted at the discretion of the Director and without amendment of the approved Area Plan. Minor variations include, among others, a change in residential floor area, an increase in non-residential floor area of five percent (5%) or less, and a change in layout, provided that in the case of a change in layout, the applicant shall provide the Director each a revised area plan which incorporated such layouts. The revised plans shall each be signed by the applicant and owner(s) of record. Modifications, such as, but not limited to, a change in use, type of street, increase in density or intensity of development, type of dwelling unit, or an increase in non-residential floor area of over five percent (5%), shall be considered major changes and shall require amendment of the approved area plan. The Director shall determine whether a change is minor or major, in accordance with this Section.

- B. All dedications shall have been effective upon recording.

SECTION 212: PRESERVATION AND MAINTENANCE OF OPEN SPACE

All open spaces identified in the approved Area Plan and which are to remain in private ownership shall permanently remain as open space and shall be properly maintained.

SECTION 213: AMENDMENT OF A "PUD" PROJECT

An approved "PUD" project may be amended at either the Area Plan or Final Site Plan stage by use of the procedure for original approval. An amendment to a Final Site Plan which results in a major change in the Area Plan shall require an amendment of the Area Plan and shall be processed in the same manner as the original application with a public hearing before the Planning and Zoning Commission following due public notice as required by law.

SECTION 214: EXPIRATION OF APPROVALS

- A. If a tract has been designated as a "PUD" by the Planning and Zoning Commission, said tract shall not be developed or used except in accordance with the approved Area Plan and Final Site Plan unless and until such designation is removed by formal action of the Planning and Zoning Commission.

- B. A Final Site Plan for the entire area designated as a "PUD" or Final Site Plans for each phase of a "PUD" which is planned in phases must be approved by the Planning and Zoning Commission within two (2) years of the date of approval of the Area Plan. Failure to obtain approval of Final Site Plans as herein provided shall authorize the Planning and Zoning Commission to revoke, at its discretion, the right to develop under the approved Area Plan and to require that a new Area Plan be filed and reviewed in accordance with the provisions of this Article.

- C. Approval of the Final Site Plan in a "PUD" shall expire and be of no effect two (2) years after the date of approval unless construction is begun and is diligently pursued in accordance with the approved Plan. Expiration of the approved final Site Plan shall authorize the Planning and Zoning Commission to require filing and review of a new Final Site Plan in accordance with the provision of this Article.
- D. Development of a final site plan under an approved "PUD" shall be completed within two (2) years of the date of approval. If said development is not so completed, the Commission shall not review or approve plans for any subsequent phases of the "PUD" unless good cause can be shown for not completing same.

SECTION 215: EXTENSION OF TIME LIMITS

Time limits set forth in this Article may be extended only by formal action of the Planning and Zoning Commission.

SECTION 216: VIOLATIONS

The approved Area Plan and/or Final Site Plan shall have the full force of the Zoning Code. Any violation of either the approved Area Plan or approved Final Site Plan shall be grounds for the Director to issue a stop-work order and to withhold Building Permits until the violation is cured.