

PLANNED UNIT DEVELOPMENT DISTRICT

154.225 INTENT.

- (A) The Planned Unit Development (PUD) District is intended to:
- (1) Establish a compatible and efficient mix of land uses and open space;
 - (2) Ensure compatibility with the Comprehensive Plan, surrounding developments and future development needs;
 - (3) Establish a creative approach in building design through architectural compatibility with adjacent buildings, general neighborhood design or by creating a unique style;
 - (4) Achieve flexibility and provide incentives for development that will sustain a wider range of choice in satisfying the changing needs of the community; and
 - (5) Provide for any individual land or a combination of land uses not otherwise specified elsewhere in this Ordinance.
- (B) The PUD District is not intended for the development of residential subdivisions, Permitted Uses, or Special Uses which are provided for within any district of this Ordinance.
- (C) The PUD District is not intended for developments seeking relief from developments standards within a district in which the use is permitted.

(Ord. 42-15, § 154.225, passed 8-11-2015)

154.226 PERMITTED USES AND DEVELOPMENT STANDARDS.

- (A) Permitted Uses.
- (1) Primary uses in the PUD District shall be any use or range of uses specified in the PUD District Ordinance establishing such District.
 - (2) Accessory uses, home occupations or temporary uses, unless otherwise specified in the PUD District, shall be permitted in a manner customarily associated with the primary use specified in the PUD District Ordinance.
- (B) Development Standards.
- (1) The PUD District shall specify development standards applicable to each permitted use in the PUD District and, at a minimum, shall adopt or include a variation of each development standard that is applicable to each such use in the district in which each such use is first permitted.

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(2) In any case in which an applicable development standard has not been specified in the petition for zone map change to the PUD District, the development standard shall be that which is specified in the district in which the use is first permitted.

(Ord. 42-15, § 154.226, passed 8-11-2015)

154.227 PROCEDURE FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT.

(A) General.

(1) The complete review and approval process for a PUD consists of three (3) components:

(a) Submittal of a Concept Plan per §154.227 (B) Concept Plan;

(b) Submittal of a Petition for zone map change per §154.227 (C) Petition for Zone Map Change to PUD District; and,

(c) Submittal for Secondary Approval per §154.227 (G) Secondary Approval.

(2) Petition for Zone Map Change to PUD District and Secondary Approval may be filed separately, or may be combined for joint approval as set forth in §154.227 (E) (2), below.

(3) If filed separately, the procedure for filing for approval of a zone map change shall be the same as that required for any other petition for zone map change before the Area Plan Commission, except as otherwise provided for in this chapter.

(B) Concept Plan.

(1) The filing of a Concept Plan is required. The review of the Concept Plan by the Staff will create an understanding between the Staff and the developer which may help to alleviate future misunderstandings and extensive revisions.

(2) A Concept Plan shall be submitted a minimum of ten (10) business days prior to filing a petition for zone map change to the PUD District, which shall include the following:

(a) A statement demonstrating how the proposed PUD meets the intent of §154.225 Intent;

(b) Proposed locations and types of uses within the area proposed;

(c) Preliminary layout of streets, open space, and other elements basic to the proposal in relationship to existing site conditions and adjacent properties;

(3) Staff shall review the proposed Concept Plan taking into consideration the following:

(a) That the proposed PUD District meets the requirements of §154.225 Intent;

(b) Protection and enhancement of the natural and environmentally sensitive features on the site, including, but not limited to topography, wooded areas, water features, wetlands, floodways, floodplains and regulated drains;

(c) Development of common areas, open space or recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths or combined walkways/bikeways;

(d) Building designs which achieve added value to the community; and,

(e) Relationship to surrounding properties.

(4) The Staff shall notify the petitioner of any comments related to the submitted Concept Plan within ten (10) business days of the submittal. Upon receipt of the Staff comments, the petitioner may modify the Concept Plan and resubmit a revised Concept Plan for additional review by Staff or file a petition for zone map change as set forth per § 154.227 (C) Petition for Zone Map Change to PUD District.

(5) Neither the Staff's review of the Concept Plan submitted for review nor Staff's comments to the petitioner shall be considered a denial, approval or decision concerning the proposed PUD District.

(C) Petition for Zone Map Change to PUD District.

(1) A request for a zone map change to a PUD District shall contain the following:

(a) All documentation and requirements as regulated by §154.599 (B) Zone Map Amendments;

(b) A Preliminary Plan that satisfies the requirements below, and shall specify in either General Terms or Detailed Terms the permitted uses and development standards that will apply to the PUD District:

i. Detailed Terms. A Preliminary Plan which includes a detailed description of all development requirements that apply to the proposed PUD District on any of

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the site plans, building elevations, landscape plans, sign plans, or any other plan required by this Ordinance in sufficient detail to fulfill the requirements for the issuance of an Improvement Location Permit;

ii. General Terms. A Preliminary Plan which do not comply with the requirements above for Detailed Terms shall be deemed to have expressed the development requirements that apply to the proposed PUD in General Terms only and shall require Secondary Approval, as set forth below, prior to the issuance of an Improvement Location Permit.

(2) Preliminary Plan. A Preliminary Plan shall consist of the following:

(a) A PUD District Ordinance in 8 ½" x 11" format consisting of the following:

- i. Proposed name of the PUD District;
- ii. Legal description of the proposed PUD District;
- iii. Statement on how the proposed PUD District meets the requirements of §154.225 Intent;
- iv. Permitted uses, accessory uses and temporary uses by location;
- v. Site development standards by use, such as but not limited to setbacks, densities, use of yards;
- vi. Proposals for handling traffic, general circulation and access points, sewage disposal, drainage, and other pertinent development features;
- vii. Landscaping, buffering, tree preservation and use of open space;
- viii. Lighting standards;
- ix. Signs standards;
- x. Parking and Loading standards;
- xi. Building design standards; and

(b) A Site Plan of the overall PUD on plan sheets not to exceed twenty-four by thirty-six (24" x 36") in size consisting of the following:

- i. Proposed name of the PUD District
- ii. North arrow, written and graphic scale;

- iii. Boundaries of property with dimensions;
- iv. General location of proposed land uses;
- v. Easements of record;
- vi. General layout of public and private streets, open space and other basic elements of the development;
- vii. General location of all drainage and other utility features and any other pertinent development features; and
- viii. Statement regarding how the PUD will be served by water and sewer; i.e. well and septic or municipal water and sewer.

(c) Any other information requested in writing by the Executive Director or Area Plan Commission that would need to be included and/or addressed in either the PUD District Ordinance or the Site Plan.

(D) Determination by the Area Plan Commission.

In its determination of the appropriateness of the proposed PUD, the Area Plan Commission shall pay reasonable regard to the extent to which the proposal accomplishes the intent set forth in §154.225 Intent, above, and provides for the protection or provision of the site features and amenities outlined above.

(E) Preliminary Plan Approval.

(1) If the Preliminary Plan expresses development standards in General Terms, as described above, secondary approval as set forth in §154.227 (G) Secondary Approval, shall be required.

(2) If the Preliminary Plan expresses development standards in Detailed Terms, as described above, the Petitioner may request Secondary Approval in connection with the approval of the zone map change to the PUD District, provided that any such approval shall be conditioned upon the Council adopting the zone map change to the PUD District.

(F) Conditions.

Conditions may be imposed on the approval of a PUD District which are reasonably necessary to assure compliance with the permitted use, development standards and minimum requirements of the PUD District Ordinance.

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(G) Secondary Approval

(1) Secondary Approval is required in the PUD District as a prerequisite to the issuance of an Improvement Location Permit.

(2) The petitioner must file an application requesting Secondary Approval and submit the following:

(a) A final PUD District Ordinance which expresses the development standards in Detailed Terms addressing all of the requirements established and approved under Preliminary Plan Approval; and

(b) A final site plan of the overall PUD on plan sheets not to exceed twenty-four by thirty-six (24" x 36") in size, consisting of all of the requirements of §154.227 (C) 2 (b) in detail, including any additional requirements approved under §154.227(E) Preliminary Plan Approval.

(c) Any other information requested in writing by the Executive Director that would need to be included and/or addressed for Secondary Approval.

(3) As part of the Secondary Approval, the following documentation may be required in order to meet the requirements for approval by the reviewing agencies.

(a) Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable within two-hundred (200) feet of the real estate;

(b) Drainage plan;

(c) An erosion control plan for all areas of site disturbance.

(d) Topographic contour every two (2) feet superimposed upon the proposed site plan portion of the site covered by the submitted plans;

(e) Proposed elevation of all building pads within the proposed development;

(f) Plans and specifications for all infrastructure improvements required or proposed in the PUD;

(g) Any other information specified elsewhere in this Ordinance as a prerequisite to the issuance of an improvement location permit; and

(4) The Executive Director, during Secondary Review, shall specify any additional plan documentation or supporting information beyond that required by this subsection, which must be provided before the issuance of an Improvement Location Permit.

(H) Secondary Approval Authority.

(1) Authority for Secondary Approval is hereby delegated to the Executive Director. The Executive Director shall have a period of not more than fifteen (15) business days in which to review the proposed Secondary Approval application and either:

(a) Render a decision of approval or denial concerning the Secondary Approval; or

(b) Request in writing additional information from the applicant. If additional information is requested, the Executive Director shall have an additional period of fifteen (15) business days to review the information from the date the requested information is received.

(2) The Executive Director may seek the advice and comment of the Executive Committee of the Area Plan Commission or other government review agencies prior to Secondary Approval.

(3) Any decision of the Executive Director under this Section may be appealed by any interested party to the Area Plan Commission in accordance with the procedures of §154.231 Appeals of Executive Director's Decisions, below.

(I) Proceedings/Notice.

The proceedings required for Secondary Approval shall be the same as those required by this zoning ordinance for the review and issuance of an Improvement Location Permit.

(J) Required Findings.

(1) The Area Plan Commission or Executive Director may issue Secondary Approval only upon a finding that the plans submitted for Secondary Approval satisfy the PUD District Ordinance establishing such PUD District;

(2) Secondary Approval shall be sealed with the Seal of the Area Plan Commission and retained in the office of the Area Plan Commission to be used in its continuing administration of the PUD.

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(K) Surety.

Bonds or other written assurance may be required which are reasonably necessary to guarantee the timely completion of a public improvement required by the PUD District Ordinance. Such bond or other written assurance shall be satisfactory to the Executive Director, and shall run to the Board of Public Works or any other public agency that will be responsible for the construction and maintenance of the public improvement.

(L) Expiration.

Secondary Approval of a PUD District Ordinance, whether submitted in its entirety or in development phases, does not expire. Upon an application for an Improvement Location Permit for the use or development of the property, whether in its entirety or in development phases, all required improvements shall be designed and constructed with the latest standards in effect at the time.

(Ord. 42-15, § 154.227, passed 8-11-2015)

154.228 MODIFICATION OF PRELIMINARY PLAN OR SECONDARY APPROVAL

(A) Request for modification.

Request for determination of minor/major modification shall be provided in writing to the Executive Director detailing the extent of the change or changes. The Executive Director may request additional documentation that would be needed to determine whether the proposed changes qualify as Minor Modifications or Major Modifications and outlined below.

(B) Minor Modifications.

Minor modifications to a Preliminary Plan or Secondary Approval which has already received approval from the Area Plan Commission or the Executive and which do not involve the designation of additional land uses; or an encroachment into any drainage easement, regulated drain setback or floodplain, may be authorized by the Executive Director without a public hearing in its continuing administration of the PUD if, in the determination of the Executive Director, the requested minor modifications do not adversely impact the purpose or intent of the overall development.

(C) Major Modifications.

If the Executive Director determines that the proposed modification does not meet the criteria above or is of such a nature as to adversely impact the purpose or intent of the overall development the petitioner shall be required to file a new petition for zone map amendment.

(Ord. 42-15, § 154.228, passed 8-11-2015)

154.229 SECONDARY PLAT APPROVAL

The process for the approval and recording of a secondary plat for any development in a PUD approved pursuant to this section shall be issued in a manner consistent with that for any other subdivision within the St. Joseph County as set forth in the St. Joseph County Subdivision Control Ordinance, as amended, and with any additional requirements or commitments entered into in connection with the approval of the preliminary plan pursuant to this section. The approval and recording of a secondary plat is required prior to the issuance of an improvement location permit for any improvements on a lot.

(Ord. 42-15, § 154.229, passed 8-11-2015)

154.230 MAINTENANCE OF COMMON OPEN SPACE

In those PUD Districts in which open space, common areas or recreation areas are provided for the use and enjoyment of residents or users of the PUD District, the petitioner shall file documentary assurances that the permanent dedication and continuous maintenance of open space, common areas or recreation areas shall be made in accordance with the approved preliminary plan and secondary approval, and that the open space, common areas and recreation areas shall be made available to the residents and users of the overall development in the PUD at a reasonable and non-discriminatory rate of charge. Such documentary assurances shall be incorporated into the secondary plat that is recorded in the Office of the St. Joseph County Recorder or otherwise provided for through legally binding perpetual agreements as approved by the Area Plan Commission and the County. Such open space shall perpetually run with the PUD and shall not be developed or separated from the overall development in the PUD at a later date (unless no development of any portion of the PUD which is benefited by the open space, common areas or recreation areas has occurred and the entire area subject to the PUD is presented for zone map change).

(Ord. 42-15, § 154.230, passed 8-11-2015)

154.231 APPEALS OF EXECUTIVE DIRECTOR'S DECISIONS

(A) Generally.

Any order, requirement, decision or determination by the Executive Director regarding a secondary approval, or a modification of a preliminary plan or secondary approval, may be appealed to the Area Plan Commission by any person claiming to be adversely affected by that order, requirement, decision or determination.

(B) Appeal Process.

The procedures for such an appeal are as follows:

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(1) Every appeal shall be filed within thirty (30) days from the order, requirement, decision or determination.

(2) All appeals shall be determined by the Area Plan Commission at a public hearing for which any person claiming to be adversely affected by that order, requirement, decision, or determination shall comply with, and bear all costs associated with, the notification requirements as provided by rule of the Area Plan Commission.

(3) The Area Plan Commission hearing shall be de novo, in the same manner as though the application was originally filed with the Area Plan Commission.

(4) The decision of the Area Plan Commission with respect to a secondary approval, or a modification of a preliminary plan or secondary approval, shall be a final decision that may be reviewed only by certiorari procedures as provided in I.C. 36-7-4-1016.

(Ord. 42-15, § 154.231, passed 8-11-2015)

154.232 SPECIAL REGULATIONS FOR MOBILE HOME PARKS IN A PUD DISTRICT.

(A) *Intent.* The intent of these Special Regulations for Mobile Home Parks in a PUD District is to: permit the development of mobile home parks and subdivisions in a manner which protects and preserves property values of adjacent properties; and, establishes standards which will permit mobile home parks and subdivisions to become an asset to the community.

(B) *Permitted uses.* Permitted which may be included in a PUD District Ordinance intended for mobile home parks and subdivisions include:

- (1) Mobile home park;
- (2) Mobile home subdivision;
- (3) Accessory buildings customarily incidental to any of the uses permitted within this district;
- (4) Self-service laundry establishments, subject to the following development standards:
 - (a) The use is located within a mobile home park and is so placed as to be used by the residents within the park, only, and so as not to present any visible evidence of its commercial nature to the area outside the park; and,
 - (b) There shall be two improved off-street parking spaces or one per three principal operating machines, whichever is greater;
- (5) Customary agricultural uses, except farms operated for disposal of refuse, garbage, offal and this, or farms which are to be operated for slaughter, pen feeding and stock raising;
- (6) Service building and other community buildings for exclusive use of the residents of only the mobile home park;
- (7) No tractor-trailer combination vehicle or other truck detached trailer in excess of three-fourths tons capacity may be parked upon any land or premises in an a Mobile Home Park PUD District.; and
- (8) Recycling drop-off center as an accessory use to a mobile home park.

(C) *Design requirements for mobile home subdivision.* The following design standards shall be construed as minimum requirements for all mobile home subdivisions:

- (1) All mobile home subdivisions shall meet the requirements of § 154.122(A) through (C).

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(2) All mobile home subdivision development must meet the procedural requirements and design standards of the St. Joseph County Subdivision Control Ordinance.

(3) The regulations of this chapter shall not prohibit the construction of dwelling units which meet the regulations concerned with dwelling units within St. Joseph County.

(4) Consideration will be given to any developer who wishes to develop a planned unit development and/or wishes to control his development with a homes association.

(5) The minimum area of a mobile home subdivision shall be ten acres with a minimum of 200 feet frontage on a public street.

(6) No more than one mobile home shall be placed on any one lot.

(7) No mobile home with less than 500 square feet in a primary unit, exclusive of cabanas, shall be permitted on any lot in a mobile home subdivision.

(D) *Additional preliminary plan requirements.* In addition to the regulations for a preliminary plan required by § 154.227(C)(4)(a), above, all preliminary plans shall indicate the petitioner's intent relative to the general land use and circulation arrangement and also show the following:

(1) A typical arrangement of lots along a street with dimensions;

(2) Tabulated data stating acreage of site, number of lots, density (gross and net), percentage of land in open space, percentage covered including walks, patios, roofs, streets, etc.;

(3) Dimensioned cross-section of the entrance roads;

(4) Soil map; and

(5) Location of adjacent streets, sanitary and storm sewers within one mile.

(E) *Amendment to final development plan.* Notwithstanding the provision of § 154.228, above, amendments or additions to a secondary approval shall be submitted to the Area Plan Commission for their approval. No deviation from the originally approved plan shall be permitted unless approval for the amendment or addition is so noted on the final development plan with the commission's seal.

(F) *Additional requirements by Area Plan Commission.* Before recommending approval of a PUD District Ordinance intended for mobile home parks and subdivisions to the County Council or during the review of the secondary approval, the Area Plan Commission may impose reasonable additional requirements as set forth in § 154.227(E), above, as to landscaping,

and maintenance thereof, lighting, signs, screening, access ways, curb cuts, traffic control, height of buildings, and setbacks of buildings.

(G) *Minimum design requirements generally.* The following design standards shall be construed as minimum requirements for all mobile home parks:

(1) *Applicability of state requirements.* Mobile home parks shall meet the requirements as set forth in I.C. 16-41-27-1 et seq., or any subsequent law-regulation concerning any element of mobile home parks and/or subdivisions.

(2) *Utilities.* Each mobile home lot shall be provided with water and sewage disposal as determined by I.C. 16-41-27-1, and/or the Area Plan Commission. Each lot shall also be connected to electricity.

(3) *Refuse containers.* Each mobile home lot shall be provided with submerged or hidden refuse containers which have tight sealing lids.

(4) *Minimum area and access to thoroughfares.* The minimum area of a mobile home park shall be ten acres, with a minimum of 200 feet of frontage on a major thoroughfare or have access to a major thoroughfare as approved by the Area Plan Commission.

(5) *Minimum lot area.* The minimum area per mobile home lot shall be 4,000 square feet.

(6) *Minimum lot width.* The minimum mobile home lot width shall be 40 feet, except around cul-de-sacs where the minimum frontage accepted shall be 25 feet; provided, that on a radial, 30 feet from the pavement edge, the lot width shall be 40 feet.

(7) *Landscaping.* Except at established entrances and exits serving the mobile home park, a dense greenbelt of evergreen trees and/or shrubs, not less than six feet high at the time of planting and which at maturity are not less than 12 feet high, shall be located and effectively maintained at all times along the boundary of the mobile home park.

(8) *Lighting.* The mobile home park shall be adequately lighted as determined by the County Engineering Department, so as to permit safe movement of vehicles and pedestrians.

(9) *Lighting.* All lights shall be located and shielded in such a manner as to prevent direct illumination of sleeping areas as much as possible and any area outside of the mobile home park.

(10) *Distance required between mobile homes.* The minimum distance between any mobile home and any other mobile home or structure shall be ten feet at any one point and average at least 20 feet the entire length or width of each mobile home or structure. Each mobile

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home shall be at least ten feet back from the edge of the pavement of a private roadway within the park and at least 20 feet from the property line of the mobile home property.

(11) *Foundations required for each lot.* Each mobile home lot shall be provided with a foundation designed to support the maximum anticipated loads during all seasons and approved by the Building Commissioner. When solid concrete slabs are not used, the area between the foundation shall be filled with a four-inch layer of washed rock.

(12) *Distance of buildings from street right-of-way.* No mobile home park office, mobile home, service building or structure shall be closer to a public street right-of-way than 40 feet.

(13) *Off-street parking.* Off-street parking shall be provided to accommodate at least one and one-half (1 ½) vehicles per mobile home lot. There shall be conveniently located area(s) for visitor parking at a ratio of one-half space per lot with a minimum of 25 spaces. All parking spaces must be surfaced with a dustproof material.

(14) *Surface and pavement of roads.*

(a) All roads within a mobile home park must have a concrete or hot or cold bituminous concrete surface of at least 20 feet in width.

(b) Entrance roads must have pavement width of at least 34 feet.

(15) *Additions to mobile homes restricted.* No addition shall be made to a mobile home except a canopy and/or porch open on three sides or an addition made by the mobile home manufacturer.

(16) *Area required for recreational purposes.* At least 250 square feet per mobile home lot, not to include streets, parking areas, park service area(s) and not a part of mobile home lots, shall be provided in one or more locations on the premises for recreational purposes. The minimum of such recreation area(s) shall be 20,000 square feet, or the above, whichever is greater.

(17) *Waterproof structure required for storage.* Each mobile home park shall be provided with either one central waterproof structure, with one space per lot, available to all mobile home lots, or a single waterproof structure on each mobile home lot suitable for storage of goods and the usual personal effects of persons occupying the mobile home park.

(18) *Drainage.* The mobile home park shall be drained in such a manner as not to increase the storm water runoff to adjoining property which results from the development.

(19) *Sidewalks.* Concrete sidewalks, a width of four feet minimum, shall be constructed and located in such a manner as to provide access front all lots to all common use areas in the park. Also, sidewalks must be provided from all entrances to mobile homes to adjacent streets and/or sidewalks.

(20) *Security against tornadic winds.* All mobile homes and other portable structures shall be properly secured and anchored against the force of tornadic winds in accordance with the requirements of the St. Joseph County Building Department.

(21) *Storage area for trailers and boats.* There shall be sufficient off-street storage area for trailers, boats, etc., located in a common-use area in the park.

(22) *Setback requirements.* Mobile home park setback requirements shall be as follows:

(a) *From street.* No mobile home shall be closer than 40 feet to a public street right-of-way;

(b) *Side yard.* No mobile home shall be closer than 20 feet to any property line; and

(c) *Rear yard.* No mobile home shall be closer than 35 feet to any rear property line.

(Ord. 51-05, § 8.06.011, passed 5-10-2005) Penalty, see § 154.999