
Zoning Ordinance
Article Nine

Planned Unit Developments

"PD" Planned Unit Development

9.1 District Intent, Permitted Uses and Miscellaneous Standards

District Intent	Permitted Uses	Miscellaneous Standards
<p>The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of this Ordinance and Subdivision Control Ordinance. The use of Planned Unit Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses; and/or provides for an economy of shared services and facilities; and/or is compatible with surrounding areas; and/or fosters the creation of attractive, healthful, efficient and stable environments for living, shopping or working.</p> <p>The Planned Unit Development regulations and procedures may apply to the further development of existing developed lands or to vacant lands.</p> <p>Planned Unit Development regulations are intended to encourage innovations in land development techniques so that the growing demands of Madison County may be met with greater flexibility and variety in type, design and layout of sites and buildings. Planned Unit Development projects should also encourage a more efficient use of land so that resulting economies may benefit of the community at large. Examples of this concept would include the preservation of existing trees or wetlands, and the inclusion of recreation areas within new residential subdivisions.</p>	<p>All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right.</p> <p>Mixed uses will be considered and may be encouraged when appropriate. All land uses proposed in a PD must be nonconflicting and in the spirit of the Comprehensive Plan, surrounding land uses, and Zoning Districts.</p>	<p>Minimum Land Area:</p> <ul style="list-style-type: none"> • 10 acres to qualify for a PD <p>Minimum Site Frontage:</p> <ul style="list-style-type: none"> • 300 feet on a Public Street with access from said Public Street to qualify for a PD <p>Maximum Site Coverage:</p> <ul style="list-style-type: none"> • Square footage of all primary and accessory structures, and impervious surface cannot exceed 75% of the site area <p>Maximum Structure Height:</p> <ul style="list-style-type: none"> • 50 feet for the Primary Structure • 20 feet for Accessory Structures <p>Minimum Open Space:</p> <ul style="list-style-type: none"> • 15% (gross area) for Planned Unit Developments in which 45% or more of the land area is used for residences.

9.2 Origination of Proposals

Any applicant may propose a Planned Unit Development District. The applicant must act as developer or sponsor of the development. A parcel or site proposed for a Planned Unit development must either be in single ownership or all of the multiple owners must have a contractual agreement to develop the parcels under a single unified plan to the satisfaction of the Plan Commission and the Board of County Commissioners.

9.3 General Procedure

The general procedure for establishing a Planned Unit Development (PD) is as follows:

- A. The applicant must file a sketch plan for the Planning Director's review.
- B. The applicant then files a Conceptual Development Plan with the Plan Commission. This Conceptual Development Plan serves as the rezoning petition.
- C. The Technical Review Committee reviews the application and provides comments as it would on any rezone request.
- D. The Plan Commission holds a public hearing on the Conceptual Plan and makes recommendations to approve, disapprove or approve with conditions the Conceptual Plan/Rezoning to the County Commissioners.
- E. The Madison County Drainage Board reviews the conceptual plan for the overall drainage concept and reports to the Board of County Commissioners.
- F. The Madison County Board of County Commissioners then hold a hearing on the Conceptual Plan/Rezoning. They may approve, deny or modify the Conceptual Plan.
- G. Upon approval by the County Commissioners of the Conceptual Plan, the Official Zone Map of Madison County shall be changed to reflect the new PD zoning district.
- H. The applicant files for Detailed Development Plan approval on all or part of the PD zoned property. If subdivision is required, a preliminary plat shall be filed and follow all of the procedures in the Subdivision Control Section.
- I. The Technical Review Committee reviews the application for detail plans (and Preliminary Plat).
- J. The Drainage Board reviews the Detailed Drainage plans and preliminary plat for adequacy
- K. The Plan Commission makes recommendations to the Board of County Commissioners by holding a public hearing on the detailed development plan (and Preliminary Plat).
- L. The Board of County Commissioners approves or denies the Detailed Development plan at a public meeting.
- M. When approved, the Detailed Development Plan shall be signed by the Plan Commission President and Secretary. The applicant may then begin the process of obtaining Improvement Location Permits subject to any other development requirements such as the Subdivision Control Ordinance.
- N. The petitioner files construction plans of the public improvements for review as required in the Subdivision Control Ordinance.
- O. The petitioner either may commence with construction of public infrastructure or post surety as per the Subdivision Control Ordinance.
- P. The petitioner files final plat documents for review by the drainage board and ultimate review by the Plan Commission.

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- Q. Upon successful completion of the above processes, construction may commence on the buildings in the project.

9.4 Sketch Plan

The initial submittal for a Planned Unit Development shall be a Sketch Plan showing the general outline and intention of the developer. It shall contain at a minimum, enough detail to allow the Planning Director to determine, in general terms, the type and character of the development, the impacts of the project and the relationship of this development to the surrounding land and community. The Director shall meet with the Developer and their representatives and shall provide comments within 30 days of submittal.

9.5 Independent Review

Independent Consultants may be retained by the Madison County Board of Commissioners or the Plan Commission to seek assistance to properly review the proposed Planned Unit Development. The cost of such review shall be reimbursed to the County by the petitioner. The petitioner shall be advised of the estimated fees and costs and may withdraw their request from consideration at that time. All required fees must be paid regardless of whether the proposed Planned Unit Development is approved, amended, rejected or withdrawn

9.6 Conceptual Development Plan

The Conceptual Development Plan approval process shall also serve as the zone map amendment process.

A. **Application:** The petitioner shall submit a Conceptual Development Plan Application. Attached shall be an affidavit and consent of the property owner, deed for the property, filing fee, Conceptual Development Plan and supporting information. Supporting Information shall include:

1. A vicinity map showing the use and zoning of all properties within 1,320 feet of the proposed development.
2. A map of any property adjacent to the development which is owned or otherwise controlled by any or all of the petitioners or owners and a description of the future development of that property.
3. A letter verifying that proper wastewater disposal will be available to the property.
4. A statement that the plan will adhere to the standards of the Madison County Land Use and Development Code unless there is a specific request in the Conceptual Development Plan submission to use other standards.

B. **Conceptual Plan Data:** The scale of the plan shall be such that all relevant detail can be discerned. The Conceptual Development Plan may include any additional explanatory text or graphics but at a minimum shall include the following:

1. A description of the property and petitioners involved including:
 - a. The name and address of the applicant;
 - b. The name of the proposed development;
 - c. The address or location of the site;
 - d. Legal description of the site;
 - e. The name address and telephone of the professional land surveyor, engineer or planner responsible for preparation of the Plan; and
 - f. A legend and notes including a graphic scale, north arrow and date.

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2. A description of all existing and proposed conditions of the property including:
 - a. the existing and proposed layout of streets, open space and other basic elements of the plan;
 - b. all existing and proposed easements and their purpose;
 - c. the locations of streams, regulated drains, 100-year floodplains, water courses, marshes, wooded areas, isolated preservable trees, wetland, historic features, existing structures, dry wells, utility lines, fire hydrants, and any other significant features that may influence the design of the development;
 - d. a general description of the location and types of structures on the site;
 - e. proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features;
 - f. a general statement of the covenants and written commitments to be made part of the Planned Unit Development;
 - g. a statement of the timeline of the development including phasing;
 - h. the land use categories within the development and their general locations along with maximum densities;
 - i. a topographic map of the area with the appropriate contour spacing;
 - j. utility plans including storm drainage, sanitary sewer, and public water.
 - C. **Technical Review Committee:** the Conceptual Development Plan shall be reviewed by the Technical Review Committee (TRC) consistent with provisions of Article 12 of this Ordinance.
 1. The petitioners and their representatives shall be present during the review to answer questions and to respond to comments of the committee.
 2. Revisions requested by the TRC shall be addressed during the review meeting or through revised materials submitted prior to the Plan Commission meeting.
 - D. **Decision Criteria:** In reviewing the Planned Unit Development rezoning petition, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to the following:
 1. The extent to which the proposal fulfills the intent of this Article. The Madison county Comprehensive Plan and any other applicable, adopted planning study or report;
 2. The current conditions and the character of current structures and uses in each zoning district;
 3. The most desirable use of property values throughout Madison County; and
 4. Responsible growth and development
 - E. **Plan Commission:** The Plan Commission will hold a public hearing no later than 60 days following the application.
 1. The Conceptual Development Plan is a petition to rezone land to PD and all rules of the Plan Commission concerning rezoning shall be followed.
 2. The petitioners and their representatives shall be present at the meeting.
 3. The Commission shall consider a report from the Director, testimony from the petitioner, reports of consultants, and testimony from the public and interested parties at the hearing in accordance with the Rule and Procedures of the Commission.

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4. Upon review, the Plan Commission shall either forward the Conceptual Development Plan to the Board of Madison County Commissioners with a favorable recommendation, an unfavorable recommendation, no recommendation or table the plan.
 - a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the Madison County Comprehensive Plan. The Plan Commission may accept or require written commitments or modifications from the petitioner as part of their recommendation.
 - b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the Madison County Comprehensive Plan.
 1. The Plan Commission shall certify its recommendation to the Board of County Commissioners within ten (10) days of its recommendation and shall forward appropriate copies of the Plan Commission recommendation, the application, all supportive information, and reports.
 - F. Board of County Commissioners: The Board of County Commissioners shall hold a hearing and vote on the proposed conceptual plan within 90 days of its certification by the Plan Commission.
 1. The Board shall provide notification of action on the ordinance consistent with Indiana State Code
 2. The Board may either approve or deny the ordinance. If the Board fails to act within the 90 day time frame specified above, the ordinance shall become affective or defeated consistent with the provisions of IC 36-7-4-608. The board may also seek modifications or additions to any written commitments.
 - G. Affect of Approval of Conceptual Development Plan.
 1. When a Conceptual Development Plan for a planned unit development has been approved by the County Commissioners, the plan shall become effective and its location shall be shown on the zoning map. The Official Zoning Map shall be amended to designate the site as a planned unit development.
 2. Upon such amendment of the Zoning Map, the use and development of the site shall be governed by the planned unit development preliminary plan, subject to approval of a detailed plan.
 3. No permit of any kind shall be issued until the detailed plan has been approved.

9.7 Detailed Development Plan

- A. Application: The petitioner shall submit an application for a Detailed Development Plan for all or part of the ground in an approved Planned Unit Development Conceptual Plan within One (1) year of the Conceptual Plan's approval. If the application is for a portion or phase of the ground approved in the Conceptual Plan, the petitioner must demonstrate control of the balance of the property. The application shall include an affidavit and consent of the property owner, a deed of the land, the filing fee, the Detailed development Plan and supporting information including:
 1. If a subdivision plat is necessary in conjunction with the rezoning petition, the preliminary plat shall also be filed at this time for review by the Plan Commission following procedures established by the Madison County Subdivision Control ordinance. Any preliminary plat approval shall be conditioned subject to the approval of the Detailed Development Plan by the Board of County Commissioners.
 2. A statement indicating financial responsibility sufficient to complete the public improvements shown on the Detailed Development Plan.

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- B. Detailed Development Plan Data: The scale of the plan shall not exceed 1" = 100' unless required by the size of parcel. The detailed Development Plan may include any additional graphics which will explain the features of the development but shall include the following;
1. All documents included in the Approved Conceptual Plan.
 2. Written approval from the Madison County Drainage Board concerning the phase under review.
 3. Information regarding the specific uses, setbacks, lot lines, easements, and development standards in sufficient detail for review.
 4. Proposed covenants, written commitments, and landowners associations.
 5. An analysis of the phases of the proposed development to demonstrate that the major components of the plan are appropriately located and are able to continue to function as a sole and separate unit if all phases of the development are not completed, taking into consideration factors such as the infrastructure guarantee procedures and subdivision regulations.
- C. Technical Review Committee: The Detailed Development Plan shall be reviewed by the Technical Review Committee consistent with provisions of Article 12 of this Ordinance.
1. The petitioners and/or their representatives shall be present during the review to answer questions and to respond to comments of the committee.
 2. Revisions requested by the TRC shall be addressed during the review meeting or through revised materials submitted prior to the Plan Commission meeting.
- D. Plan Commission: The Plan Commission will hold a public hearing no later than 60 days following the filing of the application and the approval of the TRC.
1. The petitioners and/or their representatives shall be present at the meeting.
 2. The Commission shall consider a report from the Director, testimony from the petitioner, reports of consultants, and testimony from the public and interested parties at the hearing in accordance with the Rule and Procedures of the Commission.
 3. Upon review, the Plan Commission shall either forward the Detailed Development Plan to the Board of Madison County Commissioners with a favorable recommendation, an unfavorable recommendation, no recommendation or table the plan.
 - a. (1). The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the Madison County Comprehensive Plan. The Plan
 - b. Commission may accept or require written commitments or modifications from the petitioner as part of their recommendation.
 - c. (2). The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the Madison County Comprehensive Plan.
 - d. (3). The Plan Commission shall certify its recommendation to the Board of County Commissioners within ten (10) days of its recommendation and shall forward appropriate copies of the Plan Commission recommendation, the application, all supportive information, and reports.

E. Board of County Commissioners: The Board of County Commissioners shall hold a hearing and vote on the proposed detailed Development Plan within 90 days of its certification by the Plan Commission.

1. The Board shall provide notification of action on the ordinance consistent with Indiana State Code
2. The Board may either approve or deny the plan. If the Board fails to act within the 90 day time frame specified above, the ordinance shall become affective of defeated consistent with the provisions of IC 36-7-4-608. The board may also seek modifications or additions to any written commitments.

9.8 Written Commitments

The petitioner may make written commitments regarding the characteristics of the proposed future use or the resolution of outstanding issues in existence on the subject property.

- A. Written Commitments may be proposed by the petitioner as an element of the initial submittal, as a response to comments made through the Technical review Committee or in response to any modification requested by the Plan Commission or Board of County Commissioners during the public hearings.
- B. All commitments shall be considered by the Plan Commission in its review of the petition.
- C. Following the final action on either the Conceptual Plan or the Detailed Development Plan, any written commitments shall be recorded in the office of the Madison County Recorder.
- D. The written commitments shall be considered a part of the Ordinance and Plans binding on the subject property.
 1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property.
 2. The written commitments shall be enforceable by the Madison County Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this ordinance.
 3. The written commitments may be modified only through the Planned Unit Development process described in this section. Any written commitment shall be terminated if the Official Zoning Map applicable to this subject property is amended or if a zoning text amendment contradictory to the written commitment is adopted.

9.9 Minor Modifications

The Planning Director may from time to time in the administration of the Planned Unit Development, approve minor modifications of the Detailed Development Plan without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use or any change in access points.

Any adversely affected party may appeal any decision by the Planning Director to the Plan commission within 30 days of determination. The Plan Commission has the authority to establish rules governing the nature of proceedings and notice required to make a modification under this article.

9.10 Covenants and Maintenance

Covenants, when required by the Plan Commission, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording bearing the signatures of the Plan Commission President and Secretary, upon authorization by the Plan commission, and signatures of all owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Plan Commission shall provide that their benefits be specifically enforceable by the Commission.

- A. Adequate provisions shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control, of the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the Planned Unit Development; and, legal assurances shall be provided which show that the private organizations is self-perpetuating.
- B. All common Facilities not dedicated to the public shall be maintained by the private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the contiguous and adjacent properties. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

9.11 Recording

All approved Detailed Development Plans, covenants, written commitments, plats, and modifications shall be recorded in the office of the Madison County Recorder within 10 days of approval. The Developer shall provide 2 copies bearing recording information to the Plan Commission for its records.

9.12 Construction

No construction or installation work may commence on any public improvement until satisfactory improvement plans and specifications have been approved as required in the Madison County Subdivision Control Ordinance.

9.13 Extension, Abandonment, Expiration

An extension, not to exceed 12 months, may be granted by the Plan Commission for good cause to accomplish any matters set forth within this Article upon petition by the applicant.

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no or minimal improvements have been made pursuant to the approved Detailed Development plan for 9 consecutive months) or upon expiration of 5 years from the approval of the most recent phase of the detailed Development Plan for a development which has not been completed, the land will revert to the previous zoning district.

9.14 Limitation of Rezoning

Any initiative of the Plan Commission to amend the Zoning Ordinance or Subdivision Control Ordinance that would affect an approved Planned Unit Development before its completion, shall not be enforced on the Planned Unit Development. Only in the case that the Planned Unit Development has been found to be no longer in conformity with the approved Detailed Development Plan or is not proceeding in accordance with the time requirements imposed herein or by agreement will the new amendments of the Zoning Ordinance or Subdivision Ordinance apply.

9.15 Fees

Any applicant that files a petition for a Planned Unit Development shall be charged a fee in accordance with the schedule of fees established by the Madison County Commissioners as noted in the Madison County Comprehensive Plan. Additionally the applicant for a Planned Unit Development Plan shall also be responsible for any costs incurred in the filing, of the secondary plat or amendments with the Madison County Recorder and the costs of any paid consultants to the Madison County Commissioners or the Plan Commission, including, but not limited to, that of the County Attorney and the County Engineer who shall be paid at their prevailing hourly rate for the time in which the work is preformed. No Improvement Location Permits or building Permits shall be issued for any construction in any PD district until such fees and costs are paid.

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