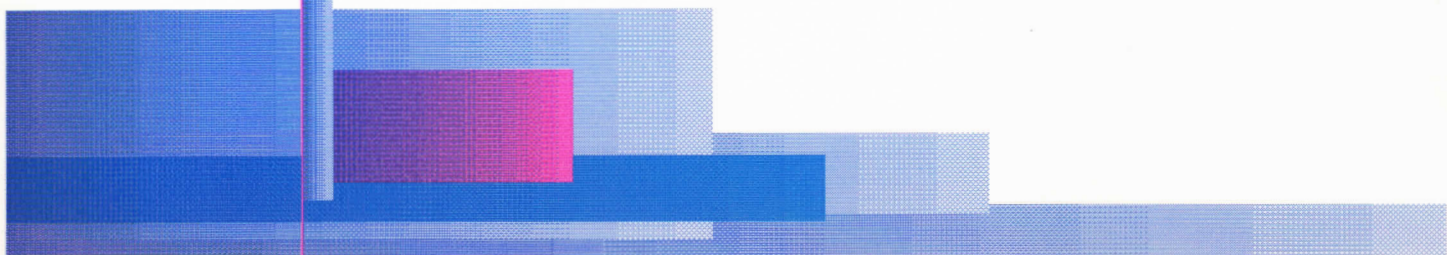


SECTION 6



## **SECTION 6**

### **Planned Developments**

The purpose of this section is to deal with development in a more flexible manner, i.e. with proposals which because of their complexity and mixed-use nature would be difficult, if not impossible, to be carried out under the "as of right" requirements of conventional zoning districts. (See Subsection 6.1 for further explanation.) Under the procedures for development in these zones the developer is required to meet the criteria provided in this section exactly in accordance with the details of the plan which he has negotiated with government officials and for which he has received approval.

#### **6.1 Intent of Districts**

The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and intent of the Zoning Ordinance. The use of Planned 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 are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Development regulations and procedures may apply to the redevelopment of presently developed lands, or the development of open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which located.

Planned Development regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

Planned Development projects should also encourage a more efficient use of land which reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

In furtherance of the purpose and intent of a Planned Development, the provisions of Subsections 5.1 through 5.14 inclusive of this Ordinance shall not be applied, or be applicable, to or in a Planned Development District.

#### **6.2 Classifications of Planned Development**

Upon preliminary review of a Planned Development proposal by the Administrator as provided by this Ordinance, such proposal shall be identified by the general character of the dominant use of the development. Such proposals shall be classified by the following designations:

**A. "PD-R" - Planned Development - Residential**

Any development consisting of not less than three (3) acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for residential purposes or those accessory purposes customarily related to residential use.

**B. "PD-C" - Planned Development - Commercial**

Any development consisting of not less than four (4) acres in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

**C. "PD-I" - Planned Development - Industrial**

Any development consisting of not less than five (5) acres in which more than 80 percent of the interior floor area of all buildings to be included in the development are used for industrial or manufacturing purposes or such accessory uses customarily relating to industrial uses with the balance of such interior floor area, if any, being intended for such commercial uses as reasonably relate to the support or convenience of the intended industrial uses or their occupants.

**D. "PD-REC" - Planned Development - Recreation**

Any development consisting of not less than five (5) acres in which the principal activity, whether conducted within or outside of a building or other structures, relates to recreation, amusement, the exhibition of sports events, the conduct of games and athletics, or the provision of open space for any passive or active endeavor. In these districts, such commercial structures or uses as reasonably relate to the principal activity of the development shall also be permitted.

**E. "PD-E" - Planned Development - Extraordinary**

A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

**6.3 Organization of Proposals**

Any person, corporation, partnership or association having an ownership interest in a proposed development, or any group of owners united in interest, acting jointly, and in pursuance to an agreement to carry out the proposal in separate ownership may propose a Planned Development District in accordance with the procedures hereinafter established, where such individual owner or group of owners in making such proposal intends to act as developer or sponsor of the development if the zoning change is adopted and indicates the requisite capabilities to carry out such proposal. A parcel, or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Plan Commission.

**6.4 Filing Procedure**

- A. The authorization of a Planned Development shall be subject to the procedures expressed herein:
- B. Submission of a petition and all other documents required for rezoning for the appropriate PD classification, which petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or which petition shall have attached thereto the notarized consent of all such owners to the filing of such Petition, and to the change to a PD classification of their real estate included.
- C. The petition, which shall include a preliminary plan and plat for any area proposed for development as a Planned Development shall be filed with the Administrator. The preliminary plan and plat shall include:

- i. Proposed layout of streets, open space and other basic elements of the plan.
  - ii. Identification of location and types of structures and their use categories within the area, including proposed densities of said uses.
  - iii. Proposals for handling traffic, parking, water supply, sewage disposal, storm drainage, tree preservation and removal, landscaping, lighting, signage and other pertinent development features.
  - iv. A separate location map to scale shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.
  - v. The condominium declaration (if applicable), a document creating an owners' association and any covenants to be made a part of the Planned Development as well as the order and estimated time of development.
  - vi. A statement of the proposed order of development of the major elements of the project, including whether the development will be accomplished in phases, and, if so, the order and content of each phase.
- D. The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed 1" = 100'. The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the following checkpoint agencies for their review and comment:
- Police Department
  - Fire Department
  - Parks and Recreation Department
  - School Corporation
  - County Soil and Water Conservation District
- E. Within twenty-five (25) days after filing, the Administrator shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide comments. After such consultation the petitioner may make modifications to the petition.
- F. After the meeting described in (E) above and after making any modifications to the proposed preliminary plans the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:
- i. Include all documents included in the preliminary plan.
  - ii. Include an index identifying all documents included in the preliminary plan.
  - iii. Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and zoning case number.
  - iv. Be bound or stapled together and all documents therein reduced to a size no larger than 8 1/2 X 11 inches except for the maps, sketches and plat (if any).

## **6.5 Preliminary Plan Hearing**

- A. The petition, if and as modified, shall then be heard by the Plan Commission as a petition for zoning map amendment and subject to the procedures applicable thereto. The Plan Commission may recommend approval or disapproval of the plan and may impose any

reasonable condition(s) with its affirmative recommendation. If disapproval is recommended, the application shall not be certified to the Council of the Town of Winslow. If approval is recommended, the preliminary plan shall be stamped "Approved Preliminary Planned Development" and be signed by the President and Secretary of the Plan Commission. One copy shall be permanently retained in the office of the Plan Commission, one copy shall be returned to the petitioner and one copy and all conditions shall certified as described in (B) below.

- B. The approved preliminary Planned Development shall then be certified to the Council of the Town of Winslow for adoption as a Planned Development District pursuant to the laws governing proposals to change zoning maps. Upon adoption by the legislative body, the petitioner shall prepare the final detailed plan.

## **6.6 Approval Of Final Detailed Plan**

- A. Before any development takes place, the petitioner shall file with the Plan Commission a minimum of seven sets of the final detailed plan specifying the location, composition, and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment, landscaping, plat and other site development features including locations of buildings. The petitioner shall also file the original of all signed and notarized documents pertaining to restrictive covenants, condominium declaration and/or the creation of a homeowners association, along with financial assurance for the satisfactory installation of all public improvements in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Winslow Subdivision Ordinance. The Plan Commission shall then approve said final detailed plans by resolution duly adopted, upon an affirmative finding that the final detailed plan is consistent with the Approved Preliminary Planned Development as adopted and passed by the Council of the Town of Winslow upon rezoning. Having so once approved the final detailed plan, the Plan Commission shall have no further authority to review or act thereon, except as to enforcement, except as to an amendatory ordinance, and except as hereafter provided for.
- B. The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans which correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire Planned Development.
- C. The approved final detailed plan or phase thereof shall be stamped "Approved Final Detailed Planned Development" and be signed by the President and Secretary with one copy permanently retained in the office of the Plan Commission following recordation as specified in Subsection 6.8.
- D. Unless extended by the Plan Commission pursuant to Subsection 6.11 (A), approval of the first phase of the final detailed plan shall be obtained within two (2) years and approval of the balance of the final detailed plan shall be obtained within five (5) years after adoption of the Planned Development District by the Council of the Town of Winslow.
- E. In the event that approval of a final detailed plan is not timely obtained, the Plan Commission may initiate an amendment to the zoning map relating to said land.
- F. In the exercise of continuing jurisdiction, the Administrator may from time to time approve only minor modifications of the approved Final Detailed Planned Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall

not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in type of use, or any change in access points.

- G. Approval of a final detailed plan shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is 50 percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation of the Administrator. Following expiration of the final detailed plan, the Town of Winslow shall declare the bond to be in default and cause all public improvements to be installed according to the final detailed plans.

## 6.7 Covenants and Maintenance

- A. All covenants, when required by the Plan Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission in addition to the property owners.
- B. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.
- C. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements as to the following:
- i. Lot area.
  - ii. Floor area.
  - iii. Ratios of floor space to land space.
  - iv. Area in which structures may be built. ("Buildable area")
  - v. Open space.
  - vi. Setback lines and minimum yards.
  - vii. Building separations.
  - viii. Height of structures.
  - ix. Signs.
  - x. Off-street parking and loading space.
  - xi. Design standards (including landscaping requirements).
  - xii. Phasing of development.

- D. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating.
- E. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- F. All private streets shall be maintained by the aforementioned 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 properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

### **6.8 Recording**

All approved Final Detailed Planned Development Plans and Plats and modifications thereof shall be recorded in the Office of the Pike County Recorder within two (2) years after approval, but before any development takes place.

Failure to so record shall automatically void the approval of the Final Detailed Planned Development.

Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the approved Final Detailed Planned Development to the Administrator as an amended approved Final Detailed Planned Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final Detailed Planned Development, shall re-approve, date and sign said amended approved Final Detailed Planned Development, which the developer shall then record.

### **6.9 Permit**

An improvement location permit shall be issued for a Planned Development District upon full compliance with the approved Final Detailed Planned Development.

### **6.10 Construction**

- A. No construction or installation work shall be done on any public improvements until the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Inspector(s) of his intention to begin such work, in order that inspections may be made as the work progresses.
- B. All development shall be in conformity with the approved and recorded Final Detailed Planned Development and any material deviations from the approved and recorded Final Detailed Planned Development shall be subject to appropriate enforcement action as provided for in this ordinance.

### **6.11 Extensions, Abandonment, and Expiration**

- A. Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown.
- B. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Detailed Planned Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval of a Final Detailed Planned Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the legislative body deems appropriate.

### **6.12 Rules of Procedure**

All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein.

### **6.13 Limitation of Rezoning**

The Plan Commission shall not initiate any amendments to the zoning map concerning the property involved in a Planned Development before completion of the development as long as the development is in conformity with the approved Final Detailed Planned Development and is proceeding in accordance with the time requirements imposed herein.