

Chapter

20.04

Planned Unit Development Districts

City of Bloomington
Unified Development
Ordinance

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Planned Unit Development (PD) Districts

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20.04.010 District Intent

The purpose of the Planned Unit Development (PUD) is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities, and city services; to preserve the natural, environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one (1) or more of the following advantages:

- (a) Implement the guiding principles and land use policies of the Growth Policies Plan; specifically reflect the policies of the Growth Policies Plan specific to the neighborhood in which the Planned Unit Development is to be located;
- (b) Buffer land uses proposed for the PUD so as to minimize any adverse impact which new development may have on surrounding properties; additionally provide buffers and transitions of density within the PUD itself to distinguish between different land use areas;
- (c) Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
- (d) Counteract urban monotony and congestion on streets;
- (e) Promote architecture that is compatible with the surroundings; and
- (f) Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area.
- (g) Provide a public benefit that would not occur without deviation from the standards of the Unified Development Ordinance.

20.04.020 General Regulations

- (a) Permitted Uses:
 - (1) The permitted uses in a PUD District Ordinance are subject to the discretion and approval of the Plan Commission and Common Council.
 - (2) The permitted uses shall be determined in consideration of the Growth Policies Plan, the existing zoning district designation of the area being rezoned to a Planned Unit Development, the land uses contiguous to the area being rezoned to a Planned Unit Development, and the Development Standards and Design Standards of the Unified Development Ordinance.
- (b) Development Standards:
 - (1) The development standards in a PUD District Ordinance are subject to the discretion and approval of the Plan Commission and Common Council.
 - (2) The development standards shall be determined in consideration of the Growth Policies Plan, the existing zoning district designation of the area being rezoned to a Planned Unit Development, and the Development and Design Standards of the Unified Development Ordinance.

Planned Unit Development (PD) Districts

20.04.030 Qualifying Standards

- (a) The area designated in the PUD map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants or commitments that run to the benefit of the zoning jurisdiction.
- (b) The minimum gross area required for a Planned Unit Development is five (5) acres. The minimum gross area may be waived by the Plan Commission if it is demonstrated that granting such waiver is consistent with the District Intent as specified in *Section 20.04.010: District Intent*.
- (c) A Planned Unit Development may be established in any district except for the Commercial Downtown (CD) zoning district.

20.04.040 General Standards

- (a) Any qualifying parcel may be rezoned to a Planned Unit Development zoning district after compliance with *Chapter 20.04: Planned Unit Development Districts*, Plan Commission review, and Common Council approval.
- (b) The requirements of *Chapter 20.05: Development Standards* and *Chapter 20.07: Design Standards* of the Unified Development Ordinance shall apply to Planned Unit Developments unless alternate standards are deemed appropriate by the Plan Commission and Common Council. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of Planned Unit Developments, specified in *Section 20.04.010: District Intent*, as determined by the Plan Commission and Common Council.
- (c) The PUD District Ordinance shall indicate the land uses, development requirements, and other applicable specifications that shall govern the Planned Unit Development. If the PUD District Ordinance is silent on a particular land use, development requirement, or other specification, the standard of the zoning district specified in the PUD District Ordinance or the applicable regulations shall apply. The development requirements that apply to the specified zoning district shall apply to the Planned Unit Development zoning district unless the PUD District Ordinance specifies an alternate standard. The PUD District Ordinance may set land use, development requirement, or other specifications for aspects of the development on which the Unified Development Ordinance is otherwise silent, but may specify alternatives only to the standards of the provisions listed below, and may not specify alternatives to any requirement of this UDO that is not listed below:
 - (1) *Chapter 20.02: Zoning Districts*; and
 - (2) *Chapter 20.05: Development Standards*.
- (d) The Preliminary Plan shall show the conceptual location of all proposed improvements.

20.04.050 Origination of Proposals

Any property owner may propose a Planned Unit Development zoning district in accordance with these procedures. A parcel proposed for a Planned Unit Development is not required to be under single ownership. However, if not under single ownership, the multiple owners must all consent to the development of their individual properties consistent with the requirements of the proposed PUD District Ordinance. Any transfer of land within the development resulting in ownership within the development by two (2) or more parties after an application has been filed shall not alter the applicability of the regulations contained in the Unified Development Ordinance. A Preliminary Plan approved hereunder shall be binding upon the petitioner, their successors and assigns and shall limit and control the issuance and validity of all Certificates of Zoning Compliance.

20.04.060 Rules of Procedure

All proceedings brought under this section are subject to the Plan Commission Rules of Procedure, where not described otherwise herein. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Chapter 20.09: Processes, Permits and Fees* of the Unified Development Ordinance.

20.04.070 Limitation of Revisions to the Unified Development Ordinance

- (a) Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Unit Development even if such changes are adopted during the Planned Unit Development build-out. In addition, to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*, changes to the Unified Development Ordinance which alter any development standards for which the PUD District Ordinance is silent shall be enforced upon the Planned Unit Development.
- (b) If a Planned Unit Development is no longer proceeding in accordance with its PUD District Ordinance, commitments, or time requirements imposed herein or by agreement, amendments to the Unified Development Ordinance may be applied to the extent permitted by *Section 20.01.210: Effect of Change in the Law after Filing of Complete Application*.
- (c) All Planned Unit Developments, once at least ninety-five percent (95%) built-out, may be subject to being rezoned into an appropriate standard zoning district if the Common Council deems it necessary.

PUD District Ordinance and Preliminary Plan

20.04.080 Process; PUD District Ordinance and Preliminary Plan

- (a) Purpose and Intent:
- (1) *PUD District Ordinance*: The purpose of the PUD District Ordinance is to:
 - (A) Designate a parcel of real property as a Planned Unit Development zoning district;
 - (B) Specify uses or a range of uses permitted in the Planned Unit Development zoning district;
 - (C) Specify development requirements in the Planned Unit Development zoning district;
 - (D) Specify the plan documentation and supporting documentation that may be required;
 - (E) Specify any limitation applicable to the Planned Unit Development zoning district; and
 - (F) Meet the requirements of IC 36-7-4-1500 *et seq.*
 - (2) *Preliminary Plan*: The purpose of a Preliminary Plan is to delineate the location of basic elements such as land uses, vehicular and pedestrian traffic routes, drainage, perimeter buffer yards, and other site planning elements.
- (b) Prerequisites:
- (1) *Pre-submittal Meeting*: Prior to submitting a Planned Unit Development application, the petitioner shall meet with the Planning and Transportation Department to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The staff shall aid and advise the petitioner in preparing the application and supportive documents as necessary.
 - (2) *Development Review Committee*: After the required pre-submittal meeting, and after the Planning and Transportation Department determines that it has received a submittal that is sufficiently complete for Development Review Committee review, the staff may place the item on an agenda of the Development Review Committee and inform the petitioner of the time, date, and place of the meeting.
 - (3) *Neighborhood Meeting*: The petitioner shall conduct a neighborhood meeting prior to filing a petition to rezone a site to a Planned Unit Development. Notice of the neighborhood meeting shall be made to any neighborhood association on record with the City within a five hundred (500) foot radius of the boundaries of the proposed Planned Unit Development. Such notice shall be made to the neighborhood associations and the Planning and Transportation Department at least seven (7) days in advance of the meeting. Staff may require additional neighborhood meetings if significant changes are made to a Planned Unit Development proposal after the initial neighborhood meeting occurs.
- (c) Applicability: *Section 20.04.080* is applicable to new Planned Unit Development proposals, and to any proposed amendment to an existing Planned Unit Development that would affect either the text of the PUD District Ordinance or the general layout of any element of the Preliminary Plan.
- (d) Application: An Application for a Planned Unit Development shall not be considered complete until all information and documentation required by this Subsection has been submitted and all meetings required by *Subsection 20.04.080(b)* of this Section have been completed. Applications shall include, but not be limited to, the following documents:
- (1) *Application Form*: An application form as provided by the Planning and Transportation Department.
 - (2) *PUD District Ordinance*: A narrative document that provides the following information:
 - (A) Proposed Uses:
 - (i) A list of the specified zoning districts to be used for use regulation in each land use component; or
 - (ii) A specific list of uses for each land use component area.
 - (B) Proposed Development Standards:
 - (i) A list of the specified zoning districts to be used for development standards regulation in each land use component; and
 - (ii) Any deviation from the standards in each land use component.
 - (C) Proposed Design Standards: Any deviations or additions to the design standards of *Chapter 20.07: Design Standards*.

- (3) *Preliminary Plan*: A drawing of the Planned Unit Development shall be prepared and shall show enough details to indicate the character of the proposed development. The submission shall include:
 - (A) Map data including the name of development, north point, scale and date of preparation.
 - (B) Existing Conditions:
 - (i) A current topographic survey including two-foot (2') contours and a location map.
 - (ii) Existing conditions on adjoining land: land use, topography, use and location of buildings, railroads, and utilities; name of any adjoining subdivision plat;
 - (iii) Existing streets on and adjacent to the tract, including street name, right-of-way width, pavement width, and pedestrian facilities;
 - (iv) Existing utilities on the tract;
 - (v) Any land on the tract within the regulated floodplain, including a delineation of floodway and floodway fringe;
 - (vi) Streets and other major improvements planned by the public for future construction on or adjacent to the tract as indicated by the Master Thoroughfare Plan and other relevant documents.
 - (C) Boundary lines and acreage of each proposed land use component;
 - (D) Conceptual location of roads, buildings, structures, and parking areas;
 - (E) Location, acreage, use and description of open space areas;
 - (F) Other conditions on the tract, including water courses, wetlands, rock outcrops, wooded areas, isolated trees six (6) inches dbh, surface karst features, steep and excessive slopes, existing structures and other significant features.
- (4) *Supportive Information*:
 - (A) Infrastructure Plan: Preliminary concepts and feasibility reports for roads, utilities, storm water management and pedestrian ways.
 - (B) Traffic Analysis: If requested by the staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.
 - (C) Description of Character: A written description explaining the character of the Planned Unit Development. The description shall include a specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies of the City.
 - (D) Ownership: Statement of present and proposed ownership of all land within the project including ownership of any open space.
 - (E) Development Schedule: Development Schedule indicating the stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
 - (F) Environmental Plan: Documentation necessary to demonstrate compliance with *Chapter 20.05*; *§EN: Environmental Standards*, where applicable.
 - (G) Architectural Character: Narrative, renderings, representative photographs, or other materials that illustrate the proposed architectural character of development within the Planned Unit Development. Such material shall clearly depict the massing, scale and architectural detail of the proposed development.
 - (H) Additional Information: Such other additional information as may be required by the staff to evaluate the application. The staff shall inform the applicant of any additional documents or data requirements after the pre-application conference.
- (e) Planning and Transportation Department:
 - (1) *Review*: The Planning and Transportation Department shall review the PUD District Ordinance and Preliminary Plan and shall forward the application and the results of the review to the Plan Commission for its consideration, public hearing and recommendations together with the staff's report and such other documents as may be pertinent to the Planned Unit Development.

PUD District Ordinance and Preliminary Plan

- (f) Plan Commission:
- (1) *Decision:* The Plan Commission shall:
 - (A) Forward the petition to the Common Council with:
 - (i) A favorable recommendation;
 - (ii) A favorable recommendation and conditions, commitments, and/or changes to the PUD District Ordinance or to the Preliminary Plan;
 - (iii) A negative recommendation; or
 - (iv) No recommendation; or
 - (B) Continue the petition to a definite future meeting date.
 - (2) *Changes by Plan Commission:* The Plan Commission may vote to favorably recommend a proposal with changes to the PUD District Ordinance or to the Preliminary Plan if the petitioner agrees in writing to the changes. If the petitioner is unable to respond to the proposed changes prior to the vote, then such motion and vote shall be in the alternative: either for favorable recommendation, with the changes, contingent upon the petitioner's acceptance of the changes in writing within ten (10) days of the Plan Commission's approval, or, in the alternative, if the petitioner fails to accept the changes in writing within said specified time, the Plan Commission's motion and vote shall be to continue the application to the next Plan Commission meeting. The Plan Commission shall permit the petitioner to comment upon changes to the PUD District Ordinance or to the Preliminary Plan made by the Plan Commission after a motion to approve with changes is made but prior to the vote, and the Plan Commission may amend its motion accordingly.
 - (3) *Revisions:* Following Plan Commission approval, the petitioner shall submit revised copies of the PUD District Ordinance and Preliminary Plan that address the comments, concerns, and conditions of approval of the Plan Commission. The petitioner shall refer to the application form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.
 - (4) *Final Plan Review Authority:* In general, the Plan Commission shall review all Final Plans. When adequate detail has been provided on a Preliminary Plan, the Plan Commission may, at the time of its favorable recommendation of a Planned Unit Development, delegate the review of Final Plans to the staff. If the Plan Commission recommends denial of a Planned Unit Development or provides no recommendation on the Planned Unit Development, and the Common Council approves the Planned Unit Development, the Plan Commission shall review all Final Plans.
- (g) Common Council:
- (1) *Action:* The Common Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Common Council may adopt or reject the proposal and may also exercise powers set forth under IC 36-7-4-1500 et seq. Those powers include imposing reasonable conditions, conditioning the issuance of a certificate of zoning compliance on bonds or certain guarantees, and allowing or requiring the owner of real property to make written commitments. If the Plan Commission has given the proposal a favorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the Ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Common Council fails to act on the proposal within ninety (90) days, the proposal is defeated.
 - (2) *Effect of Approval of a PUD District Ordinance and Preliminary Plan:*
 - (A) When a PUD District Ordinance and Preliminary Plan for a Planned Unit Development have been approved by the Common Council, the PUD District Ordinance and Preliminary Plan shall become effective and its location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a Planned Unit Development zoning district.
 - (B) For PUDs located adjacent to existing public streets, all required right-of-way for such public streets shall be dedicated in compliance with the Thoroughfare Plan. Such dedication shall take place within 180 days of approval of the PUD District Ordinance. The 180 day time limit may be extended by the Planning and Transportation Director, but not unless the requirement is clearly specified in a Recordable Zoning Commitment approved by the City.

- (C) Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance and Preliminary Plan, subject to approval of a Final Plan.
 - (D) No permit of any kind shall be issued until the Final Plan has been approved.
- (h) **Review Considerations:** In their consideration of a PUD District Ordinance and Preliminary Plan, the Plan Commission and Common Council shall consider as many of the following as may be relevant to the specific proposal. The following list shall not be construed as providing a prioritization of the items on the list. Each item shall be considered individually as it applies to the specific Planning Unit Development proposal.
- (1) The extent to which the proposed Preliminary Plan meets the requirements, standards, and stated purpose of Chapter 20.04: *Planned Unit Development Districts*.
 - (2) The extent to which the proposed Preliminary Plan departs from the Unified Development Ordinance provisions otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons why such departures are or are not deemed to be in the public interest.
 - (3) The extent to which the Planned Unit Development meets the purposes of this Unified Development Ordinance, the Growth Policies Plan, and any other adopted planning objectives of the City. Any specific benefits shall be specifically cited.
 - (4) The physical design of the Planned Unit Development and the extent to which it:
 - (A) Makes adequate provision for public services;
 - (B) Provides adequate control over vehicular traffic;
 - (C) Provides for and protects designated common open space; and
 - (D) Furthers the amenities of light and air, recreation and visual enjoyment.
 - (5) The relationship and compatibility of the proposed Preliminary Plan to the adjacent properties and neighborhood, and whether the proposed Preliminary Plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
 - (6) The desirability of the proposed Preliminary Plan to the City's physical development, tax base and economic well-being.
 - (7) The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
 - (8) The proposal preserves significant ecological, natural, historical and architectural resources.
 - (9) The proposal will not be injurious to the public health, safety, and general welfare.
 - (10) The proposal is an effective and unified treatment of the development possibilities on the PUD site.
- (i) **Duration:**
- (1) **Abandonment:** The Preliminary Plan shall be considered abandoned if, three (3) years after the approval of the Preliminary Plan by the Common Council, no Final Plan approval has been granted for any section of the Planned Unit Development. In such cases, the Plan Commission shall determine if the Preliminary Plan should be extended for a period up to a maximum of one hundred eighty (180) days. If no extension is sought for the Planned Unit Development, and the three (3) year period since Common Council approval has elapsed, the Plan Commission may initiate a proposal to rezone the area designated as a Planned Unit Development to an appropriate zoning district. Any such rezoning must follow the process provided in *Section 20.09.160: Amendment to Zoning Map*. The owner or owners of any property proposed to be rezoned by the Plan Commission under the provisions of this Division shall be notified at least twenty-one (21) days in advance of the Plan Commission public hearing on the proposed rezoning.
 - (2) **Review:** If, ten (10) years after the approval of the Preliminary Plan by the Common Council, Final Plan approval has been granted for one or more sections of the Planned Unit Development, but sections of the Planned Unit Development remain without approved Final Plans, the Plan Commission may, on its own initiative, make a recommendation to the Common Council to rezone those portions of the Planned Unit Development that do not have approved Final Plans to an appropriate zoning district.

PUD District Ordinance and Preliminary Plan

- (j) Changes or Amendments:
- (1) *PUD District Ordinance:* Amendments to the PUD District Ordinance shall follow the procedure for creating a new PUD District Ordinance pursuant to *Section 20.04.080: Process; PUD District Ordinance and Preliminary Plan.*
 - (2) *Preliminary Plan:* To the extent that a Preliminary Plan is a conceptual and general rendering of a proposed development conforming to the PUD District Ordinance, a Final Plan may deviate from the approved Preliminary Plan in some respects without necessitating an amendment to the Preliminary Plan. However, any deviation from an approved Preliminary Plan that alters the concept or intent of the Planned Unit Development shall be subject to the procedure for approval of a new Preliminary Plan. The Plan Commission may require that an application for Preliminary Plan Amendment encompass the entire Planned Unit Development. Deviations that require a Preliminary Plan Amendment include, but are not limited to, the following:
 - (A) Changes in the location, proportion or allocation of uses, or changes to the types of uses allowed;
 - (B) Increases in residential density;
 - (C) More than a ten percent (10%) change to the proportion of housing types;
 - (D) Substantial increase in the cube of a building;
 - (E) More than a one percent (1%) reduction of proposed open space;
 - (F) Changes in functional uses of open space, where such change constitutes an intensification of open space usage;
 - (G) Substantial change in the ratio of off-street parking spaces to use;
 - (H) Substantial changes in standards, continuity, or general location of roads, utilities, or storm water management features; or
 - (I) Substantive changes in the Covenants, Conditions and Restrictions, or other governing agreements, that affect any matter regulated by this Unified Development Ordinance.

20.04.090 Process; Final Plan

- (a) **Purpose and Intent:** The purpose of the Final Plan is to designate with particularity the controls for development of the Planned Unit Development. The Final Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
- (b) **Prerequisites:** The Final Plan shall conform to the PUD District Ordinance and Preliminary Plan as approved.
- (c) **Applicability:**
 - (1) *Effect of Approval of Final Plan:* No permit of any kind shall be issued for any purpose within a Planned Unit Development zoning district except in accordance with the approved Final Plan.
 - (2) No permit of any kind shall be issued until the Final Plan has been approved.
- (d) **Application:**
 - (1) *Supportive Documentation:* The application shall include, but not be limited to, the following documents:
 - (A) An accurate map exhibit of the entire phase for which Final Plan approval is being requested.
 - (B) Such additional information as may have been required by the Preliminary Plan approval.
 - (C) An accurate map exhibit of each separate un-subdivided use area, including open space.
 - (D) If land to be subdivided is included in the Planned Unit Development, a Preliminary Plat meeting the requirements of *Chapter 20.06: Subdivision Regulations* and *Chapter 20.07: Design Standards* and the PUD District Ordinance shall be submitted..
 - (E) Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single-family residential development on individual lots need not show precise location of buildings on each lot, but plans shall show setback and other bulk constraints.
 - (F) Design and precise location of all streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
 - (G) Location of all utility lines and easements.
 - (H) A final, detailed Landscape Plan, including size and species, installation specifications, identification of vegetation to be preserved and the measures to accomplish preservation, and conservation easements where required.
 - (I) Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
 - (J) Projected construction schedule.
 - (K) Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.
 - (L) Additional Information: Such other additional information as may be required by the Planning and Transportation Department or other members of the Development Review Committee to evaluate the application. Such additional information may include a three-dimensional scale, model, either physical or computer generated that shows the proposed development in the context of all properties whose boundary lines touch that of the proposed development. If a physical model is provided, it must be accompanied by a digital video archival file showing the physical model in 360 degrees.
- (e) **Planning and Transportation Department:**
 - (1) *Decision:*
 - (A) Planning and Transportation Department Approval: The Planning and Transportation Director shall review all Final Plans that have been delegated to him or her by the Plan Commission. The Planning and Transportation Director may permit or require the petitioner to make a written commitment, and may also impose reasonable conditions of approval.
 - (B) Minor Deviations from Preliminary Plan: If the Planning and Transportation Director finds the Final Plan proposes minor deviations from the approved Preliminary Plan that do not require a PUD District Ordinance amendment or a Preliminary Plan amendment pursuant to *Division 20.04.080(j)(2)*, and that do not change the concept or intent of the development, he or she may review and approve or deny the Final Plan without public notice or a public hearing, as authorized by Rule of the Plan Commission. The Planning and Transportation Director's decision is subject to appeal under *Subdivision 20.04.090(e)(1)(D)*.

Planned Unit Development; Final Plan

- (C) Determination that Amendment is Required: If the Planning and Transportation Director finds the Final Plan proposes changes to the approved PUD District Ordinance, or deviations from the approved Preliminary Plan that require a Preliminary Plan amendment pursuant to *Subdivision 20.04.080(j)(2)(A)*, he or she shall not approve the Final Plan, but shall notify the petitioner that a PUD Amendment is required pursuant to the procedures for approval of a new PUD District Ordinance or Preliminary Plan. If the petitioner disagrees with the Planning and Transportation Director's determination, he or she may request that the Plan Commission review the Final Plan and determine whether such amendment is required. Such request must be submitted in writing to the Planning and Transportation Department not later than fourteen (14) days after the Planning and Transportation Director's determination is made. The Plan Commission procedure upon such review shall be the same as for an appeal pursuant to (D) below. If the Plan Commission determines that no amendment to the PUD District Ordinance or Preliminary Plan is required, the Plan Commission shall review and act upon the Final Plan. In this case, the Plan Commission decision shall be final and appealable pursuant to IC 36-7-4-1016. If the Plan Commission determines that an amendment is required pursuant to *Subdivision 20.04.080(j)(2)(A)*, the Plan Commission shall review the proposal as a PUD Amendment application and shall forward a recommendation to the Common Council, pursuant to the procedures for approval of a new PUD District Ordinance or Preliminary Plan.
- (D) Appeal to Plan Commission of Planning and Transportation Director Decision: Interested parties, as defined by the Plan Commission Rules of Procedure, affected by the decision of the Planning and Transportation Director upon review of a Final Plan may within five (5) days of such decision request that the Plan Commission review the Planning and Transportation Director decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the Plan Commission Rules of Procedure. The Plan Commission may affirm, reverse, or modify the Planning and Transportation Director decision.
- (2) *Revisions*: Following staff approval, the petitioner shall submit revised copies of the Final Plan that address the comments and concerns of the staff. The petitioner shall refer to the Final Plan application form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.
- (f) Plan Commission:
- (1) *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
- (A) The written statement and supportive material submitted by the petitioner;
 - (B) The PUD District Ordinance;
 - (C) The Preliminary Plan;
 - (D) The Final Plan;
 - (E) Any commitments or conditions of approval attendant to prior approvals;
 - (F) Any applicable section of the Unified Development Ordinance;
 - (G) Additional information as may be required by the Plan Commission to evaluate the application.
- (2) *Revisions*: Following Plan Commission approval, the petitioner shall submit revised copies of the Final Plan that address the comments and concerns of the Plan Commission. The petitioner shall refer to the Final Plan application form to determine the format and number of copies of the revised plans to deliver to the Planning and Transportation Department.
- (3) All development shall be in conformity with the approved Final Plan. Any material deviation from the Final Plan is subject to appropriate enforcement action.
- (g) Duration:
- (1) *Abandonment*: The Final Plan shall be considered abandoned if no Grading Permits or Building Permits have been obtained and are still valid for the area contained in the Final Plan within three (3) years after Final Plan Approval has been granted, or if such permits have been obtained but are no longer valid per the terms of this Unified Development Ordinance.
- (2) *Extension*: An extension, not to exceed twelve (12) months, may be granted by the Plan Commission for good cause shown. The Plan Commission may grant one (1), twelve-month extension.

(h) Changes or Amendments:

- (1) *Minor Changes:* The Planning and Transportation Director may approve minor changes to an approved Final Plan, if the changes do not change the concept or intent of the development, without a public hearing or public notice as authorized by Rule of the Plan Commission. Such decisions shall be subject to appeal pursuant to *Subdivision 20.04.090(e)(1)(D)*. This shall include the following:
 - (A) Minor changes in the location and siting of buildings and structures;
 - (B) Changes in height of less than one (1) story, but not over eight (8) feet in any case;
 - (C) Minor changes to an approved Landscape Plan that do not alter the general concept or screening effectiveness of the landscaping; and
 - (D) Minor changes to the internal street system and off-street parking areas.
 - (E) Changes in the exact type of use in any particular location within the development, as long as the type of use is allowed by the PUD District Ordinance and Preliminary Plan in that general location.
 - (F) Changes of less than ten percent (10%) of the gross floor area of an approved building.
- (2) *Major Changes:* Changes requiring a new Final Plan shall include the following provided that this Subdivision shall not be interpreted to allow any change that would otherwise require an amendment to the PUD District Ordinance and/or the Preliminary Plan:
 - (A) Changes in lot arrangement, or addition of buildable lots which do not change approved density of the development;
 - (B) Changes in site design requirements, such as location or design of required landscaping, signage, building heights or footprints, setbacks, encroachment into areas slated for preservation under any of the sections of *Chapter 20.05*; *§EN: Environmental Standards*, or other such development or design standards in the PUD District Ordinance;
 - (C) Changes in access to the development site, where such change amounts to an intensification of traffic patterns on roadways;
 - (D) Any reduction in aesthetic treatment.