

Article

4

Planned Development District

*City of Shelbyville
Unified Development
Ordinance*

Planned Development (PD) District

4.01 PD District Intent, Regulations, and Prerequisites

District Intent	Regulations	Prerequisites
<p>The Planned Development (PD) District is intended to provide flexible development standards in order for the development to result in a significantly better design than what would have been the result under the zoning regulations. The first priority for the City of Shelbyville is to make sure the development exceeds the quality that would have resulted from traditional application of the Unified Development Ordinance. The second priority is to confirm that a PD District is necessary due to any of the following:</p> <ul style="list-style-type: none"> • A development with complex mixes of land uses, or mixes of land uses within buildings • A development on a unique geological feature, or on a site with a notable quality natural features, or on a site with a notable quantity of natural features • A development with a notably unique or innovative design <p>Plan Commission</p> <ul style="list-style-type: none"> • Any parcel that meets the prerequisites specified herein may be considered for a PD District • The necessity for variances shall not by itself justify a developers pursuit of a PD District • The base zoning district and the <i>City of Shelbyville Comprehensive Plan</i> shall be used to determine the appropriateness of the dominant land use in the PD District • The proposed development shall be a clear benefit to the community <p>Common Council</p> <ul style="list-style-type: none"> • Under no circumstance is the Common Council required to rezone a property as a PD District • Rezone a property to a PD District only after the Plan Commission provides a favorable recommendation • Require commitments that will improve the quality of the development • Restrict particular land uses that would not be appropriate for the district • Assure the development is consistent with the <i>City of Shelbyville Comprehensive Plan</i> 	<p>Permitted Uses</p> <ul style="list-style-type: none"> • Predominantly in line with the permitted uses in the original zoning district • Predominantly in line with the <i>City of Shelbyville Comprehensive Plan</i> • Compatible with surrounding land uses and adjacent zoning districts • Flexible only to the extent permitted in <i>Article 4: Planned Development District</i> <p>Development Standards</p> <ul style="list-style-type: none"> • Generally in line with the intent of the original zoning district • Predominantly in line with the <i>City of Shelbyville Comprehensive Plan</i> • Compatible with surrounding land uses and adjacent zoning districts • Flexible only to the extent permitted in <i>Article 4: Planned Development District</i> <p>Design Standards</p> <ul style="list-style-type: none"> • Predominantly in compliance with <i>Article 6: Design Standards</i> • Flexible only to the extent permitted in <i>Article 4: Planned Development District</i> <p>Construction Standards</p> <ul style="list-style-type: none"> • Fully in compliance with City of Shelbyville's construction and engineering standards 	<p>Ownership</p> <ul style="list-style-type: none"> • The site proposed for a Planned Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative <p>Site Area</p> <ul style="list-style-type: none"> • The minimum site area required for a Planned Development is 5 acres <p>Zoning Districts</p> <ul style="list-style-type: none"> • Only the following standard zoning districts may be rezoned to a Planned Development District: R1, R2, MP, BH, IL, and IG.

Planned Development (PD) District

4.02 General

- A. **Description:** A Planned Development (PD) District is a special district that can be pursued by an applicant in which a stand alone ordinance regulating the development is drafted and which binds the development to its unique language.
- B. **Creation:** The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 09: Processes* of the Unified Development Ordinance.
- C. **Maps:** PD Districts shall be identified as such on the Official Zoning Map.
- D. **Regulations:**
 - 1. **Development Standards and Design Standards:** The requirements of *Article 05: Development Standards* and *Article 06: Design Standards* of the Unified Development Ordinance shall apply to Planned Developments unless alternate standards are deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Development. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of the Planned Development to provide a mixed use development, accommodate a creative and unique design not otherwise achievable using standard zoning districts and subdivision control regulations, or address unusual physical conditions.
 - 2. **Preliminary Plan:** The Preliminary Plan shall indicate the proposed land uses, location of all proposed improvements, and a proposed ordinance that includes development standards, design standards, and other specifications which shall govern the Planned Development. If the Preliminary Plan is silent or does not address a particular land use, development standard, design standard, or other specification, the standard of the base zoning district or other applicable regulations shall apply.
 - 3. **Open Space:** Open space shall either be:
 - a. Conveyed to a municipal or public corporation if it is willing to accept it; or
 - b. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Development.

4.03 Origination of Proposals

A proposal for a PD District shall be initiated by the property owner(s). The site proposed for a Planned Unit Development shall be under single ownership, or if multiple owners exist a legal document, legal partnership, or corporation shall be provided indicating that all owners of property support and desire to develop the land. Said legal document shall also indicate who the owners appoint as their representative.

4.04 Process

All proposed Planned Developments shall utilize the process described in *Section 9.06: Planned Development*.

4.05 Rules of Procedure

All proceedings brought under *Article 04: Planned Development District* are subject to the Rules of Procedure of the Plan Commission, unless stated otherwise. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Article 09: Processes* of the Unified Development Ordinance.

4.06 Limitation of Revisions to the Unified Development Ordinance

- A. **Public Health and Safety:** Changes to the Unified Development Ordinance that directly affect public health and safety shall apply to any Planned Development whether prior to or during development.
- B. **Failure to Comply:** If a Planned Development is no longer proceeding in accordance with its ordinance, the commitments, or time requirements imposed by its ordinance, the City may follow the process for violations outlined in *Article 10: Enforcement and Penalties*.
- C. **Rezoning to Standard District:** All Planned Developments or subdistricts thereof, once ninety percent (90%) built-out are subject to being rezoned into an appropriate standard zoning district if the City deems it necessary to better administer the development.
- D. **Processes:** A Planned Development Ordinance shall not supersede the Site Development Plan review process applicable to each site within a Planned Development as it is developed. Similarly, a Planned Development Ordinance shall not supersede the variance process or offer an alternative to variances. Further, a Planned Development Ordinance shall not supersede or offer alternatives to the normal role of the Technical Review Committee.
- E. **Architectural Review Committee:** If a Planned Development establishes a development-specific architectural review committee, and that committee fails to function as intended, the City of Shelbyville reserves the right to assume the Architectural Review Committee.

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4.07 Designation of Permanent Open Space

- A. Designation: No PD District shall be approved, unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common space or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and Common Council. Open space shall be provided in at least the following percentage of the total gross area of the Planned Development by type of use:
1. *Single-family and multiple-family residential use:* 25%
 2. *Office use:* 20%
 3. *All other uses:* 15%
- B. Mixed Uses: In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Development and shall be located in close proximity to those uses. The permanent open space need not be located in proximity to the use in the case of preservation of existing natural features.
- C. Development in Stages: If the Preliminary Plan provides for the Planned Development to be constructed in stages, open space shall be provided for each stage of the development in proportion to that stage, and conveyed or guaranteed.