

1159.10 - PROCEDURE FOR APPROVAL OF AN INFILL PLANNED UNIT DEVELOPMENT (I-PUD).

The following procedures shall be used to secure approval of an Infill Planned Unit Development (I-PUD) and the appropriate changes of zoning resulting therefrom.

- (a) The Preliminary Development Plan together with an application shall be filed with the Administrator. Within thirty (30) days of the submittal, the Preliminary Development Plan and accompanying documents shall be forwarded to Council where an ordinance shall be drawn concerning the requested zoning change. The Preliminary Development Plan, accompanying documents and ordinance shall then be forwarded to the Planning Commission for study and recommendation. Copies of the Preliminary Development Plan shall also be forwarded to the Municipal Engineer, Municipal Planner and Solicitor for a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's recommendations being made to Council.
- (b) The Planning Commission shall have a reasonable time not less than thirty (30) days to consider the ordinance and the plan and to report its recommendations to Council. When the report and recommendations of the Commission are received by Council, Council shall establish a date for public hearing on the ordinance and the plan giving notice in accordance with the provisions of Section 1111.07. Such public hearing by Council shall be held within ninety (90) days after the receipt of the report of the Commission unless such time period is extended by mutual agreement of the parties.

The report of recommendations of the Planning Commission on the Preliminary Development Plan and the ordinance, as well as the plan and the ordinance, shall be available for public inspection immediately preceding the public hearing. Adoption of the ordinance including the Preliminary Development Plan shall constitute a rezoning of the property included in the Preliminary Development Plan subject to the applicant's compliance with the provisions of subsections (c) through (f) hereof prior to the development or the construction of improvements contained in the preliminary plan.

- (c) Within two (2) years of notice of approval of the Preliminary Development Plan the applicant shall submit a Final Development Plan for at least twenty percent (20%) of the gross area contained within the approved Preliminary Development Plan. Such area submitted shall consist of the substantive part of the development and shall not be comprised of open spaces, parklands, etc., to the extent of more than one-fourth of the area submitted in the Final Development Plan. Upon good cause shown by the applicant and by a majority vote of the Planning Commission, the Commission may extend the two-year period if the request is submitted prior to the expiration date. Submittal of such plan shall be to the Administrator. The failure to submit a Final Development Plan within such two-year period (or any such extended period) shall invalidate any prior zoning approval given, forfeit fee payments and the property shall revert to its previous zoning classification. Within thirty (30) days of official

acceptance, the Final Development Plan and accompanying documents shall be forwarded to the Planning Commission for study and approval. Copies of the Final Development Plan shall also be forwarded to the Municipal Engineer, Municipal Planner, and Solicitor for preparation of a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's action on the Final Development Plan.

- (d) Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plan shall necessitate revision of portions of the approved Preliminary Development Plan located outside of the area to be included within boundaries of the Final Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Code before approval is granted to the Final Development Plan. Council shall be required to approve the change. Public notice shall be given in conformance with Section 1111.07.

Final Development Plans are intended to be detailed representations of and in conformance with all aspects of the approved Preliminary Development Plan. Following receipt of a Final Development Plan and accompanying documents from the Administrator, it shall be the duty of the Planning Commission to review such plan and determine whether it complies with regulations of this chapter, that it represents a detailed and precise expansion and delineation of the previously approved Preliminary Development Plan, that it complies with all conditions which may have been given at the time of approval of the Preliminary Development Plan, or that before it can be considered, it requires an amendment of the Preliminary Development Plan.

The Zoning Officer shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the public meeting at which such Preliminary Development Plan will be considered. Such notices shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.

- (e) If the Planning Commission finds that the Final Development Plan complies in all respects with the regulations of this chapter and the previously approved Preliminary Development Plan, the Commission shall approve the plan and the Commission chair, vice chair or designee shall affix his/her signature and approval date thereto attesting to such approval. Following approval of the Final Development Plan and the attestation of such action by the Commission chair, vice chair or designee, the applicant shall provide one mylar copy of all plans as part of the Final Development Plan for records of the Municipality.

At any time the applicant and/or his/her successors in title to the property may submit an amended Preliminary Development Plan. In such event the same procedures shall be followed as in the case of an original Preliminary Development Plan and if approved such

amended Preliminary Development Plan shall in all respects be considered as if it were the originally adopted Preliminary Development Plan.

- (f) A final subdivision plat prepared in accordance with applicable requirements of the subdivision regulations for the area covered by the Final Development Plan shall be prepared for Council approval prior to appropriate recording.

(Ord. 22-2003. Passed 9-16-03; Ord. 25-2007. Passed 7-10-07; Ord. Q-12-2014. Passed 6-3-14.)