TERESA HAMM
HARRISON COUNTY
I 98057280
TLB Rec. Date 09/17/

Signed 9/14/1998

ORDINANCE NO. 1998-PUD-1

Be it ordained by the Town of Corydon, Indiana as follows:

The existing Planned Unit Development Ordinance No. Z-1983-2 is hereby repealed and the following is hereby adopted. To the extent anything in the Zoning Ordinance or Subdivision Control Ordinance may conflict with this Ordinance, this Ordinance shall prevail as same pertains to PUD Districts established hereunder. This Ordinance shall apply to the Town of Corydon and its two (2) mile radius (two mile fringe).

ARTICLE 1 PLANNED UNIT DEVELOPMENT

100.0 PURPOSE

100.1 Planned Unit Development ("PUD") shall be permitted only in areas designated as PUD Districts by adoption of a PUD District Ordinance by the Town of Corydon ("Town Council") in the same manner as a zone map change that is initiated under I.C. 36-7-4-602(c)(1)(B).

100.2 The purpose of establishing a PUD District is to encourage improved land development and building site design, to encourage and allow a variety of uses, building types and arrangements, and to allow development of land areas so planned, located or situated as to merit and justify consideration as a PUD District.

100.3 A PUD District shall be subject to all requirements of I.C. 36-7-4 1500 series. The terms "Development Requirement", "Planned Unit Development District" and "PUD District Ordinance" shall have the same meaning in this Ordinance as defined in I.C. 36-7-4-1501, 1502 and 1503.

101.1 PRELIMINARY DEVELOPMENT PLAN

101.1 An applicant for a PUD District shall first consult the Executive Secretary of the Corydon Planning and Zoning Commission, (hereinafter called Administrator) and pay to the Corydon Planning and Zoning Commission in addition to the Fifty ($50.00) Public Hearing fee, a Plan Review fee set forth as follows:

A flat fee of $100.00, plus $25.00 for each acre (each fractional acre to be rounded up to the next whole number) to be included in the proposed development plan.

The Developer shall submit two (2) copies of a proposed development plan ("Development Plan") for all of the land to be included in the PUD District, which shall consist of at least one (1) acre. The Development Plan shall contain, at a minimum, the following items for review:

(a) The proposed layout, in relationship to site conditions, streets, buildings, lots and other elements basic to the proposed use.

(b) The proposed location of residential, commercial, industrial, parking, school, recreational, and other public facilities to be developed as well as existing adjacent land uses.

(c) The proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply and other site development features.

(d) The Development Plan shall be superimposed upon a print of a topographic survey of the area proposed to be developed, with contour lines a maximum of 10 feet apart, and may include other graphic media for explaining the features to be contained in the development.

101.2 The Development Plan shall also consist of and include the following items:

(a) A Detailed Site Plan which shall be drawn to scale and shall indicate clearly and with full dimensions the following information:

(1) Lot dimensions, where applicable;
(2) All buildings and structures, locations, elevations, size, height and proposed uses;
(3) Yards and distance between buildings;
(4) Walls, fences and landscaping, location, height and materials;
(5) Off-street parking: location, number and size of spaces and dimensions of parking area, internal circulation pattern;
(6) Access - pedestrian, vehicular service, points of ingress and egress, internal circulation;
(7) Signs: location, size and height;
(8) Loading and unloading: location, internal circulation;
(9) Lighting: location and type;
(10) Common facilities and open spaces: location and dimensions;
(11) Public and private roads: location, dimensions, and circulation;

(12) Sewage and Storm Drainage: Evidence of satisfactory means of sewage disposal and surface water drainage; soil, water and erosion control as required by the Soil and Water Conservation District;
(13) Water Mains: size, valve and hydrant location (if provided).
(14) Any other elements required by the Plan Commission or the Town of Corydon.

(b) Covenants and restrictions as may be required by the Commission.

(c) The legal description of the property to be included.

(d) Any written commitment which the owner of the real estate included in the proposed PUD District would be willing to execute. Such written commitment shall contain a provision which describes the specially affected persons and class of specially affected persons who may enforce a written commitment.

102.0 PROCEDURES

102.1 In addition to the requirements contained in this Article 1 and the requirements contained in the PUD District Ordinance, the proposed development in a PUD District must also comply with the other requirements of this Ordinance.

102.2 Upon conclusion of the consultation prescribed by Section 101.1, the administrator shall note in writing on the Development Plan his unofficial agreement or disagreement with the Development Plan. If the Administrator's disagreement is noted, a statement of the administrator's reasons for disagreement shall be attached to the Development Plan. One copy of the Development Plan shall be kept by the Administrator and one copy shall be returned to the Developer.

102.3 Upon the return of the Development Plan, the applicant for a PUD District may then submit a PUD District application to the Town of Corydon Planning and Zoning Commission ("Plan Commission"). The application shall comply with Section 105.2, and be submitted with 10 copies of the Development Plan which shall include a detailed site plan as required above, proposed written commitments, if any, a statement indicating financial responsibility sufficient in light of the proposed public improvements shown on the development plan, and all of the supporting documents which may reasonably be required, from time to time, by the Plan Commission.

102.4 In considering the Development Plan and the formation of the PUD District Ordinance, the Plan Commission shall pay due regard to the requirements of I.C. 36-7-4-603. The Commission

shall also carefully consider the Development Plan and the recommendations of the Administrator.

102.5 The Plan Commission shall then provide notice and conduct a public hearing pursuant to the terms of I.C. 36-7-4-604. After the public hearing the Plan Commission shall certify the application and Development Plan to the Town Council with a favorable recommendation, an unfavorable recommendation or no recommendation. A copy of the Development Plan shall be retained by the Plan Commission office, one copy shall be forwarded to the Town Council, and one copy furnished to the applicant. If a favorable recommendation was given by the Plan Commission, the Development Plans so delivered shall be stamped "Conditionally Approved Development Plan" and be signed by the officers of the Plan Commission.

102.6 The Plan Commission's recommendation shall be recorded in the minutes of the Plan Commission meeting, together with a finding as to whether the proposed development is consistent with the spirit and intent of the Comprehensive Plan of the Town of Corydon. The Plan Commission's recommendation shall also state:

(a) Whether the Development Plan states all development requirements in detailed terms, whether the development requirements as stated are acceptable to the Plan Commission and whether the PUD District Ordinance should be eligible for final approval; or

(b) Whether the Development Plan states the development requirements in general terms and secondary review and approval should be required. In the event the Plan Commission recommends secondary review, the recommendation also (i) may specify the general development requirements for which additional detail must be provided (ii) may state limits or parameters, if any, for the satisfaction of any or all of the general development requirements, and (iii) shall specify any plan documentation or supporting information that must be supplied in connection with secondary review.

The minutes and the recommendations included in them shall be filed with the Town Council. Within ten (10) business days after the Plan Commission determines its recommendation, the Plan Commission shall certify its proposal to the Town Council pursuant to I.C. 36-7-4-605 and 608.

102.7 Upon receipt of the certified proposal under Section 102.6 of this Ordinance, the Town Council shall vote on the proposal within ninety days. The Town Council shall approve, deny or amend the proposal pursuant to I.C.36-7-608 and shall not be bound by the Plan Commission's recommendations.

102.8 Any final approval of a PUD District Ordinance by the Town Council must express either in general or in detailed terms the Development Requirements that apply to the PUD District. If the Town Council finds that the Development Requirements are expressed in detailed terms and adopts the PUD District Ordinance on such basis, there shall be no Secondary Review and no authority delegated under Section 103 of this ordinance. The Development Requirements which must be addressed by the Town Council are those listed in I.C. 36-7-4-1403. It shall be sufficient for the Town Council to note that a Development Requirement for a PUD is as shown on the approved Development Plan. The Town Council's approval of a PUD District Ordinance must also specify any plan documentation or supporting information that must be supplied to the Administrator either before an improvement location permit may be issued for development of real property of the PUD District, or with an application for secondary review pursuant to Section 103.

103.0 SECONDARY REVIEW

103.1 If the PUD District Ordinance adopted by the Town Council expresses in general terms the Development Requirements, this Section 103.1 and the requirements of 103.2 shall apply. The PUD District Ordinance may express criteria in general terms for the Development Requirements specified in 105.4.

103.2 If the Town Council chooses to approve the expression of the Development Requirements in general terms for the PUD District, the secondary review requirements contained in this Section 103.2 shall apply. The Town Council shall determine whether to retain Secondary Review or delegate it pursuant to the terms of Section 103.2. If the Town Council chooses to delegate Secondary Review, it shall be delegated to the Plan Commission and conducted as follows:

(a) Secondary Review shall commence with the submission of plan documentation and supporting information to the Plan Commission by the owners of a least 50% of the real estate in the PUD District. The plan documentation and supporting information shall comply with the requirements of this Ordinance, the PUD District Ordinance, or rules adopted by the Plan Commission pursuant to I.C. 36-7-4-1511(j). The Plan documentation and supporting information must be sufficient to allow the Plan Commission to ensure that the applicable Development Requirements expressed in general terms are satisfied, and that the applicable requirements in this Ordinance are satisfied.

(b) Within 30 days of receipt of all required plan documentation and supporting information, the Plan Commission shall schedule the secondary review for public hearing and give notice in accordance with I.C. 36-7-4-604(b). When conducting its secondary

review, the Plan Commission shall consider the general Development Requirements contained in the PUD District Ordinance. If the applicable Development Requirements and the applicable provisions of this Ordinance have been satisfied, the Plan Commission shall grant secondary approval of the PUD District Ordinance. The Plan Commission's approval shall be in writing, and shall include the following:

(i) Any Development Requirements, which shall be expressed in detailed terms, in addition to those adopted by the Town Council, and

(ii) A detailed list of any plan documentation or supporting information which must be supplied before an improvement location permit may be issued for any development of real property in the PUD District.

(c) Any decision by the Plan Commission pursuant to this Section 103 or pursuant to Section 104.2 shall be appealable to the Town Council. Such appeal must be brought within thirty (30) days of the Plan Commission's final decision by providing written notice of such appeal to the Plan Commission. Such notice shall contain the specific basis for the appeal. Those persons entitled to an appeal shall be the Applicant or landowners contained in the area to be covered by the PUD District Ordinance or an interested property owner located adjacent to such area. Upon receipt of the notice of appeal, the Town Council shall then schedule the appeal for its next regularly-scheduled public meeting at which it will conduct a public hearing regarding the appeal. Notice of the appeal shall be given in the same manner as the notice required pursuant to I.C. 5-3-1. After the public hearing is concluded, the Town Council shall make a final determination regarding the appeal, which decision shall be final.

103.3 Pursuant to I.C. 36-7-4-1509(d), if the applicable Development Requirements are expressed in general terms and the applicable requirements in this ordinance are satisfied, the secondary approval and other necessary permits shall be granted.

104.0 MODIFICATIONS/AMENDMENTS

104.1 A PUD District Ordinance may be modified, including the permitted uses or Development Requirements contained in the PUD District Ordinance, by an application filed by the property owners of at least 50% of the land which comprises the PUD District. The application shall be accompanied by supporting documents sufficient to accurately depict the portion of the original PUD District Ordinance which the applicant desires to modify.

104.2 Within 30 days of receipt of the application to modify the PUD District Ordinance, the Plan Commission shall provide notice and conduct a public hearing regarding the proposed modifications or amendments pursuant to the procedures contained in I.C. 36-7-4-604 for notice and public hearing. The decision of the Plan Commission regarding any modifications or amendments of a PUD District Ordinance shall be appealable to the Town Council pursuant to the same procedure for Secondary Review in Section 103 of this Ordinance.

104.3 Pursuant to I.C. 36-7-4-1511(i), the Town Council shall, upon request of the applicant, state in the PUD District Ordinance, that certain modifications or amendments are minor and may be made without a public hearing.

105.0 LIMITATIONS ON PUD DISTRICTS

105.1 The PUD District may contain residential, commercial, industrial, professional or special exceptions as an integral part of the PUD District. The PUD District Ordinance adopted by the Town Council shall specify the uses or range or uses permitted in the PUD District.

105.2 The land involved in an application under this Ordinance for a PUD District must be either in one ownership or the subject of an application filed by the property owners who own at least 50% of the land involved in the application.

105.3 In approving a PUD District Ordinance, the Plan Commission and the Town Council shall consider the intent and principals of the Comprehensive Plan, the compatibility of the development with the surrounding land uses, the availability and coordination of water, sanitary sewers, storm drainage, and other utilities, the management of traffic in a manner that creates conditions favorable to health, safety, convenience and the harmonious development of the community, and any adverse effects to the property of public facilities in the area.

105.4 The Development Plan submitted with an application for a PUD District must be designed in accordance with accepted engineering practice, and must specify the location and/or character of the following Development Requirements:

(a) Existing and proposed primary structures and accessory structures, including the nature and intensity of uses.

(b) Utilities, including but not limited to, water, sanitary sewers, storm water drainage; also soil, water and erosion control as required by the Soil and Water Conservation District.

(c) Signage.

(d) Setback lines for buildings, signs or other structures.

(e) Building coverage.

(f) Building separation.

(g) Vehicle and pedestrian circulation, including the condition, size and location of private and public roads and thoroughfares.

(h) Parking.

(i) Landscaping.

(j) Height, scale, materials and style of improvements.

(k) Recreation space, if any, and outdoor lighting.

(l) Other information considered appropriate by the Plan Commission or Town Council in accordance with I.C. 36-7-4-1508.

105.5 When adopting or amending a PUD District Ordinance, the Town Council may impose reasonable conditions which may include any of the following:

(a) A financial guarantee that satisfactory maintenance will be provided for any common facilities, and that the facilities will be operated and maintained at no expense to the Town of Corydon or Harrison County or any other governmental unit.

(b) The furnishing of a bond or a satisfactorily written assurance guaranteeing the timely completion of proposed public improvements.

(c) Allowing or requiring an owner of real property in the PUD District to make a written commitment in a manner authorized under I.C. 36-7-4-615.

106.0 ISSUANCE OF IMPROVEMENT LOCATION PERMIT

106.1 No Improvement Location Permit or Certificate of Occupancy may be issued unless all requirements, conditions and specifications required by the PUD District Ordinance and this Article 1 have been met. In order to obtain an improvement location permit for any portion of the real estate included in the PUD District, the owner of such real estate, which may be less than all of the real estate included in the PUD District, shall submit

to the Administrator the plan documentation and supporting information required by this Ordinance, the PUD District Ordinance, and, if applicable, the Plan Commission or Town Council as a result of secondary review of the PUD District Ordinance.

Passed and enacted by the Town Council of Corydon, Indiana on the 14TH day of SEP., 1998.

F. K. Campbell

Rebecca A. Campbell

Orville G. Lattus Jr.

Roy A. McKee

Judy L. Kennedy

ATTEST:

Janet L. Frederick
Clerk-Treasurer

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