

## **SEC. 154.190 PLANNED UNIT DEVELOPMENT DISTRICT (PUD).**

### **154.191 PURPOSE.**

The purpose of this Section is to provide for the development as an integrated, coordinated unit as opposed to traditional parcel-by-parcel, approach to development. This Section is intended to introduce flexibility of site design and architecture for the conservation of land and open space through clustering of buildings and activities. It is further intended that Planned Unit Developments (PUD's) are to be characterized by central management, integrated planning and architecture, joint or common use of parking, maintenance of open space and other similar facilities, and a harmonious selection and efficient distribution of uses. The intent of the PUD is not to decrease setback and yard requirements exclusively to increase density, but rather provide flexibility and joint planning between the City and developer to protect other features such as existing development, planned streets, vegetation, slopes, wetlands, lakes or streams.

### **154.192 OBJECTIVES.**

It is intended to encourage the efficient use of land and resources, to promote greater efficiency in public utility services and encourage innovation in the planning and building of all types of development. Public benefits to be derived as a result of the PUD include but are not limited to:

(A) Permit and promote greater flexibility to allow more creativity and imaginative design, and to promote more efficient uses of the land while preserving existing landscape amenities and allowing harmonious development consistent with the Comprehensive Plan for Jordan and preserving the health, safety and welfare of the community.

(B) Ensure concentration of open space into more usable areas, and the preservation of the natural resources of the site including wetlands, woodlands, steep slopes and scenic areas.

(C) Facilitate the economical provision of streets and public utilities.

(D) Encourage the preservation and enhancement of historic and natural resources while creating a positive environment with special development features.

(E) Allow more than one principal building on a lot.

(F) Allow for a mixture of residential units in an integrated and well-planned area and provide for a variety of housing types, consistent with the City's housing goals.

(G) Promote energy conservation through the use of more efficient building designs, sites and clustering of land uses and buildings.

(H) Provide for mixed commercial and residential uses, where appropriate.

### **154.193 TYPES OF PERMITTED PLANNED UNIT DEVELOPMENTS.**

The underlying zoning district shall be consistent with the Comprehensive Plan. PUDs overlay districts may be one (1) of the following:

(A) Planned Residential District (PRD)

(B) Planned Commercial District (PCD)

(C) Planned Industrial District (PID)

(D) Planned Mixed-Use District (PMD)

#### **154.194 GENERAL REQUIREMENTS AND STANDARDS.**

(A) Ownership. An application for PUD approval must be filed by the landowner or jointly by all landowners of the property included in a project. The application and all submissions must be directed to the development of the property as a unified whole. In the case of multiple ownership, the approval of the final plat shall be binding on all owners. In absence of an ownership application, the project developer may submit with the development application the written consent of all property owners within the proposed PUD. The financial commitments incurred through any portion of the development shall be the responsibility of the ownership.

(B) Consistency with Comprehensive Plan. The proposed PUD shall be consistent with the adopted Jordan Comprehensive Plan.

(C) Permitted Uses. All permitted, permitted accessory, or conditional uses contained in the underlying zoning district shall be treated as permitted, permitted accessory and conditional uses in PUD overlay district. Mixed use PUD's are permitted provided they meet the intent and purpose for which a PUD is permitted. Uses not listed as permitted or conditional in a specific district shall not be allowed in a PUD unless it is found that the use is complimentary to the functionality of the development and the other uses found therein.

(D) Density. Site coverage regulations for the underlying district shall apply to the PUD overlay district. Increased density shall be permitted to encourage the preservation of natural topography and geological features; however the provisions of this Section shall not require the City to provide concessions in setbacks, density, or lot size to protect waterways or water bodies, steep slopes or other areas which would normally not be developable. The City will consider allowing an increase in the allowable density upon proof by the applicant that some of the following features are being provided as part of the proposed development:

- (1) Preservation of natural site features, wetlands, lowlands, wooded areas, and the like, protected by the Minnesota Department of Natural Resources, by the City and/or Scott County ordinances. The City may, but shall not be required to, provide concessions in setbacks or density for areas, which would not normally be considered developable due to the presence of these features.
- (2) Creation of conservation easements due to steep slopes, wooded areas and/or environmentally sensitive areas, as identified in the Jordan Comprehensive Plan.
- (3) Creation of park/public areas for active and passive park uses beyond required standards or other public purposes such as schools, public buildings, greenways, and the like which meet the intent of the Park and Recreation goals of the Jordan City Comprehensive Plan and are consistent with the public dedication requirements for the proposed development.
- (4) Installation of public improvements designed to serve areas beyond the project boundary.
- (5) The City may consider increased density for housing projects which provide affordable housing options, consistent with the City's Comprehensive Plan.

(E) Minimum Lot Size. The minimum lot size requirements of other Sections of this ordinance do not apply to a PUD except that the minimum lot size requirements of the underlying zone shall serve as a guideline to determine the maximum dwelling unit density of a total development. The maximum dwelling unit density shall be

determined by the area remaining after appropriate space for street right-of-ways and any other public dedications have been determined and subtracted from the total PUD area. If the property involved in the PUD includes land in more than one (1) zoning district, the number of dwelling units or the square footage of commercial, residential or industrial uses in the PUD shall be proportional to the amount that would be allowed separately on the parcels located in each of the underlying zoning districts.

(F) Set-Back and Side Yard Requirements. Notwithstanding other provisions of this Section, every lot in a PUD abutting the perimeter of the PUD shall conform to yard requirements for the underlying district. Side yards between buildings in a non-single family residential PUD shall be not less than 20 feet or the height of the building, whichever is greater, but such buildings may be built without reference to the property lines of the individual lots on which they are built.

(G) Relationship of PUD Site to Adjacent Areas. The design of a PUD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PUD shall be so designed as to minimize undesirable impact of the PUD on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the PUD.

(H) Utility Requirements. Utilities, including telephone and electrical systems, installed within a PUD shall be placed underground. Utility appurtenances which can be effectively screened may be exempt from this requirement if the City finds that such exemption will be consistent with the objective of this Section and the character of the proposed PUD.

(I) Parking. Off-street parking and loading space shall be provided in each PUD in the same ratios for types of buildings and uses as required in the underlying zoning district.

(J) Street Width. Requirements outlined in the subdivision ordinance for street widths may be relaxed depending on the number of off-street parking locations and the anticipated density in the planned unit development. The Planning Commission, City Engineer and City's Emergency Services (Fire, Ambulance and Police) shall review each planned unit development to determine street width requirements.

(K) Landscaping. In any PUD, the developer shall prepare and submit a landscaping plan as a part of the Final Plan, which shall include a detailed planting list with sizes and species indicated to be approved by the City Council. In assessing the landscaping plan, the City Council shall consider the natural features of the particular site, the architectural characteristics of the proposed structures and the overall scheme of the PUD plan.

(L) Public services. The proposed project shall be served by the City water and sewer system and fire hydrants shall be installed at such locations as required by the City Engineer or the Fire Chief to provide fire protection.

(M) Building height. Height limitations shall be the same as imposed in the respective zoning districts.

(N) Site improvement agreement. Prior to the issuance of a building permit as part of the PUD, the permit applicant, builder, or developer shall execute and deliver to the City Council a Development Agreement for the PUD.

(O) Open Space. Common open space shall be either held in common ownership by all owners in the PUD or dedicated for public use with approval of the City Council. Whenever possible, common open space shall be linked to the open space areas of adjoining developments. Common open space shall be of such size, shape, character, and locations as to be useable for its proposed purpose.

**154.195 OPERATING AND MAINTENANCE REQUIREMENTS FOR PUD COMMON OPEN SPACE AND SERVICE FACILITIES.**

(A) Whenever common open space or service facilities are provided within the PUD, the PUD plan shall contain provisions to assure the continued operation and maintenance of such open space and service facilities to a predetermined reasonable standard.

(B) Common open space and service facilities within a PUD shall be placed under the ownership of one or more of the following or may include a method deemed most appropriate by the City Council.

- (1) Landlord control, where only use by tenants is anticipated.
- (2) Property owners association, provided all of the following conditions are met:
  - (a) Prior to the use, occupancy, sale or the execution of contracts for sale of an individual building unit, parcel, tract, townhouse, apartment, or common area, a declaration of covenants, conditions and restrictions or an equivalent document as specified in M.S. § 515B.00, as may be amended from time to time, shall be filed with the Zoning Administrator prior to the filings of the declaration of documents or floor plans with the Scott County's Recorder's Office.
  - (b) The declaration of covenants, conditions and restrictions or equivalent document shall specify that deeds, leases or documents of conveyance affecting buildings, units, parcels, tracts, townhouses or apartments shall subject the properties to the terms of the declaration.
  - (c) The declaration of covenants, conditions and restrictions shall provide that an owner's association or corporation may be formed, and if such an association or corporation is formed property owners must be members of the association or corporation which shall maintain all properties and common areas in good repair and which shall assess individual property owners proportionate shares of joint or common costs. This declaration shall be subject to the review and approval of the City Attorney. The intent of this requirement is to protect the property values of the individual owner through establishing effective private control.
  - (d) The declaration shall additionally, amongst other things, provide that in the event the association or corporation fails to maintain properties in accordance with the applicable rules and regulations of the City, or fails to pay taxes or assessments on properties as they become due, and in the event the City incurs any expenses not immediately reimbursed by the association or corporation, then the City shall have the right to assess each property its pro rata share of the expenses. Such assessments, together with interest thereon and costs of collection, shall be a lien on each property against which such assessment is made.
  - (e) Membership in the association must be mandatory for each owner and any successive buyer and the association must be responsible for liability insurance, taxes, and the maintenance of the open space facilities to be deeded to it. This requirement may be waived by the City Council for existing units which are being incorporated into a PUD.
  - (f) The open space restrictions must be permanent and not for a given period of years.
  - (g) Property owners must pay their pro rata share of the cost of the association by means of an assessment to be levied by the association which meets the requirements for becoming a lien on the property in accordance with state law and the association must be able to adjust the assessment to meet changing needs.

- (h) The by-laws and rules of the association and all covenants and restrictions to be recorded must be approved by the City Council prior to the approval of the final PUD plan. If a final PUD plan is filed in one phase, with staged final plats, the bylaws, rules of the association and all covenants and restrictions may be filed with the final plat.
- (i) Staging of common open space. The construction and provision of all of the common open space and public improvements and recreational facilities that are shown on the final development plan for a PUD must proceed at the same rate as the construction of dwelling units or other private facilities.

**154.196 PUD PROCESS.**

The PUD Overlay District is unique in that there is potential for a wide range of properties to qualify for PUD zoning. The uses and intensity of development can vary substantially since they are determined based on the Comprehensive Plan, and specific setbacks, yard requirements and other development controls are not predetermined as they are in the other districts from RR through I-2, which are referred to as the conventional zoning districts. The unique features of the PUD require that the land uses and development plan for properties zoned PUD is established through adoption of a specific ordinance and a general development plan for each property or area to be so zoned. The major steps in this process are:

(A) Pre-Application Meeting. Upon filing of an application for a PUD, the applicant of the proposed PUD shall arrange for and attend an informational meeting with City Staff. At such conference, the applicant shall be prepared to generally describe their proposal for a PUD. The primary purpose of the meeting shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the conformity to the provisions of this Code before incurring substantial expense in the preparation of detailed plans, surveys, and other data.

(B) Preliminary PUD Plan Process:

- (1) The Developer/Owner shall submit an application for subdivision or Preliminary PUD Plan at least thirty (30) days prior to the Planning Commission meeting.
- (2) The Zoning Administrator shall review the preliminary application and distribute to appropriate staff and consultants for review. The Zoning Administrator shall post notice of a public hearing and forward all comments, along with the application, to the Planning Commission.
- (3) The Planning Commission shall conduct a public hearing, following published notice and mailed notice to property owners within (350) feet of the proposed PUD. Notice shall occur not less than ten (10) or more than (30) days prior to the hearing. Failure of a property owner to receive notice shall not invalidate the process. The Planning Commission shall review the Preliminary PUD plan and submit a written report and recommendation to the City Council. If the Planning Commission fails to make a report within (30) days after receipt of the application, the City Council may proceed without the report. Such report shall contain the findings and recommendations of the Planning Commission with respect to the conformity of the Preliminary PUD plan to the approved general concept plan, with respect to the merit or lack of merit of any departure of the Preliminary PUD plan from substantial conformity with the general concept plan, and with respect to the compliance of the Preliminary PUD plan with the provisions of this Code and all other applicable Federal, State, and local Codes and ordinances.

- (4) Within (60) days of the receipt of a complete application, the City Council will take action to grant approval, grant conditional approval, or deny approval of the plan.
- (5) Upon City Council approval, the City Attorney shall draft a PUD Development Agreement which stipulates the specific terms and conditions established and approved by the City Council and accepted by the applicant. This agreement shall be signed by the Mayor, City Administrator, and the applicant.
- (6) Where the Preliminary PUD plan is denied approval, City Council action shall be by resolution setting forth the reasons for its actions. A certified copy of the document evidencing said City Council action shall be delivered to the applicant. The applicant will have (60) days to submit a revised preliminary PUD plan to the Planning Commission. After the (60) day period, a revised general concept plan must be submitted to the Planning Commission unless otherwise arranged with the Zoning Administrator.
- (7) If subsequent submittals of the Preliminary PUD plan are denied approval two (2) times within one (1) year of the original submission date, the applicant will be required to submit a revised general concept plan.
- (8) Limitation on Preliminary PUD Plan approval. Unless a final plan covering the area designated in the first stage of the Preliminary PUD plan has been filed within six (6) months from the date the City Council grants Preliminary PUD plan approval, or in any case where the applicant fails to file final plans and to proceed with development in accordance with the provisions of this Section and/or an approved Preliminary PUD plan, the approval shall expire. The City Council may, at its discretion, extend for not more than one (1) additional period of six months the filing deadline for any final plan when, for good cause, such extension is necessary. In any case where the preliminary PUD plan approval expires, the City Council shall forthwith adopt a resolution repealing the general concept plan approval and the Preliminary PUD plan approval for that portion of the PUD that has not received final plan approval, and re-establish the zoning and other ordinance provisions that would otherwise be applicable.
- (9) Review and evaluation criteria. The evaluation of the proposed Preliminary PUD plan shall include, but not be limited to, the following criteria:
  - (a) Adequate property control is provided to protect the individual owner's rights and property values and the public responsibility for maintenance and upkeep.
  - (b) The interior circulation plan plus access from and onto public rights-of-way does not create congestion or dangers and is adequate for the safety of the project resident and the general public.
  - (c) A sufficient amount of usable open space is provided.
  - (d) The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy or property values of the surrounding residential uses.
  - (e) The architectural design of the project is visually compatible with the surrounding area. Architectural style or type of buildings shall not solely be a basis for denial or approval of the Preliminary PUD plan. However, the overall appearance and compatibility of individual buildings to other site elements of surrounding development will be given primary consideration in the review stages of the Planning Commission and City Council.
  - (f) The drainage and utility system plans are submitted to the City Engineer and shall be subject to approval of the City Engineer.

- (g) The development schedule insures a logical development of the site which will protect the public interest and conserve land.
- (h) Proposed unit and accessory use requirements are in compliance with the district provisions in which the development is planned.

(C) Final PUD Plan Process. The final plan is to serve as a complete, thorough and permanent public record of the PUD and the manner in which it is to be developed. It shall incorporate all prior approved plans and all approved modifications thereof resulting from the PUD process. It shall serve in conjunction with other City ordinances as the land use regulation applicable to the PUD.

- (1) Submission of the final plan. Upon approval of the Preliminary PUD Plan, the applicant shall file with the Zoning Administrator a final plan consisting of the information and submissions required by the final plan stage, for the entire PUD or for one (1) or more stages. The final plan is intended only to add detail to, and to put in final form, the information contained in the general concept plan and the Preliminary PUD Plan which shall conform to the Preliminary PUD plan in all respects. A final plan of a portion of the proposed development may be submitted simultaneously with the overall preliminary plan for purposes of expediting the review process.
- (2) Review and approval of final plan. The Zoning Administrator shall forward comments of staff and consultants to the Planning Commission, who shall prepare a recommendation for the City Council. No public hearing shall be required for approval of the final plan. The City Council may approve the PUD final plan with a majority vote.
- (3) Recording of final plat and PUD Agreement. Within 30 days of the Zoning Administrator's notice of approval, the applicant shall record the final plat and PUD Agreement, or such portions thereof as are appropriate, with the Office of the Scott County Recorder.
- (4) Building and other permits. No building permit shall be granted on land for which a plan for a PUD is in the process of review or which does not conform to the approved final plan. Upon receiving notice from the Zoning Administrator that the approved final plat and agreement has been recorded and upon appropriate application of the applicant, building and other permits may be issued to the applicant if the following conditions are met:
  - (a) Public open space, if applicable, has been deeded to the City and officially recorded.
  - (b) A development agreement has been approved and executed by all parties.
  - (c) The homeowner's association (if applicable) by-laws, covenants and deed restrictions have been approved by the City Attorney and officially recorded.
  - (d) The construction plans for proposed structures have been approved by the Building Official.
  - (e) All detailed site plans have been approved by the Zoning Administrator.
- (5) Limitation of final plan approval. Within one (1) year after the approval of a final plan for PUD, or such shorter time as may be established by the appropriate development schedule, construction shall commence in accordance with such approved plan. Failure to commence construction within such period shall, unless an extension has been granted as hereinafter provided, automatically renders void the PUD permit and all approvals of the PUD plan. The area encompassed within the PUD shall thereafter be subject to those provisions of the zoning ordinances and other ordinances applicable in the district in which it is located. In such case, the City Council shall forthwith adopt a resolution repealing the PUD permit and PUD

approvals and re-establishing the zoning and other ordinance provisions that would otherwise be applicable.

#### **154.197 PUD DATA REQUIREMENTS.**

(A) Pre-Application Concept Plan. Prior to the initiation of a zoning change application, owners of property in the PUD District are invited to prepare, for review by the City, development sketch plans. Items to be supplied by the applicant for the pre-application meeting include:

- (1) Overall maximum PUD density range.
- (2) Proposed general development and use.
- (3) General location of major streets, pedestrian walkways adjacent to the tract, and scale and tract boundaries and north point.
- (4) General location and extent of public and/or common open space, areas to be preserved, significant topographical and physical features.
- (5) Sketch illustrating the general location of residential and non-residential land uses with approximate intensities of development and any zoning change requested.
- (6) Staging and timetable of development.
- (7) Other special criteria for development.

(B) Such sketch plans submitted shall be for informal discussion between the developer and the City. Submission of sketch plan shall not constitute formal filing of an application.

(C) As far as may be practicable on the basis of a sketch plan, the City will informally advise the owner as promptly as possible of the extent to which the proposed plan conforms to the design standards of this Section and discuss possible plan modifications necessary to secure conformance. The sketch may be reviewed, where applicable, by the Planning Commission and the Council.

(D) The proposed use(s) must be consistent with the Comprehensive Plan.

(E) All proposals shall include a PUD Plan for the site.

(F) Preliminary PUD Plan. An application for approval of a Preliminary PUD plan shall be filed with the Zoning Administrator by the owner(s) of title of property for which the PUD is proposed. A filing fee, as established from time to time by City Council Ordinance, shall accompany the Preliminary PUD Application. Three (3) copies of the application and accompanying statements shall be submitted and shall include:

- (1) A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, easements, existing zoning, graphic scale, north point, date of preparation, and such other items as the Planning Commission may require to show the relationship of the proposed PUD to the Comprehensive Plan of the City, to existing schools and other community facilities and services, and to the surrounding area;
- (2) Abstractor's certified copy property certificate providing names and addresses of property owners within (350) feet of the outer boundaries of the property (one copy).
- (3) The legal description of the property and lot size.

- (4) Boundary survey prepared by a registered surveyor, including the property and two hundred (200) feet beyond, which illustrates:
  - (a) Existing property lines and dimensions
  - (b) Ownership of all parcels
  - (c) Platting and easements
  - (d) Street and railroad right-of-ways
  - (e) Buildings
  - (f) Utility lines and facilities
  - (g) Public park and open space
  - (h) Private land use, subdivisions, and private property
- (5) Natural features map(s) illustrating:
  - (a) Contour lines at no more than two foot intervals
  - (b) Steep slopes of eighteen percent or more
  - (c) Hydraulic information including drainage patterns, delineated wetlands and land subject to periodic flooding, floodplain, watercourses
  - (d) Soil and subsoil conditions
  - (e) Vegetation including classification of tree cover by species
- (6) A preliminary plan of the entire area in such detail as to show the land uses being requested, the densities being proposed, the proposed lots and blocks and the off-street parking system or preliminary plat, if applicable;
- (7) A written statement explaining in detail, and with supporting documentation, the specifics of the development plan as it relates to the type of dwelling units proposed and the resulting population, the extent and nature of non-residential development and the resulting traffic generated and parking demands created;
- (8) The proposed schedule and/or phasing for the development of the site;
- (9) The location, shape, size, and character of public or private/common open space which is suitable for the PUD, in accordance with the City Code Ch. 153 Subdivisions requirements for park and open space dedication.
- (10) The location and size of all utilities including telephone, electricity, gas, cable, water, sanitary sewer and storm sewer.
- (11) Landscape Plan including a detailed planting list.
- (12) Size and location of all street right-of-ways and proposed paved widths, and vehicular and pedestrian circulation, in conformance with the City Code Ch. 153 Subdivisions.

- (13) A statement setting forth the reasons why, in the opinion of the applicant, the PUD will be in the public interest and consistent with the objectives specified for PUD's.
- (14) Financial capacity of the developer/owner and fiscal resources available including a FDIC insured letter of credit for 110% of the estimated cost of public improvements associated with the development.
- (15) Market area of the project and demand trends within the area.
- (16) Other materials as requested by the Planning Commission or City Council.

(G) Final Plan Data Requirements. A final application and its supporting documentation shall give the same information as is required of plats under City Code Ch. 153 Subdivisions in addition to such other information as required by this ordinance and by the Planning Commission as a condition for approval of the preliminary plan. In addition, the application shall be accompanied by such other documentation, such as:

- (1) The location, size, use and arrangement, including height in stories and feet, and total square feet of ground area coverage and floor area, for proposed building, and existing buildings which will remain, if any.
- (2) The location, dimensions and number of all driveways, entrances, curb cuts, parking stalls, loading spaces, access alleys, and all other circulation elements including bicycle, pedestrian walkways, and the total site coverage of all circulation elements.
- (3) Approximate area, and potential floor area, devoted to commercial or office uses.
- (4) Approximate area, and potential floor area, devoted to industrial uses.
- (5) Schedule of construction. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season (time period between road restrictions), a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such stage, and the overall chronology of development to be followed from stage to stage.
- (6) Care and maintenance of open spaces or service facilities. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities shall be submitted. If it is proposed that such open space be owned, operated and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted during the Preliminary PUD Plan stage.
- (7) Where applicable, a preliminary and final plat prepared by a land surveyor, duly registered in the state, in accordance with M.S. § 505.00 and City Code Ch. 153 Subdivisions, as may be amended from time to time, which shall contain a notarized certification by such surveyor that the plat represents a survey made by the surveyor and that the monuments shown herein exist as located, and all dimensions are correct, and a notarized certification by the owner or owners of the adoption of the plat and the dedication of streets and other public areas as required.
- (8) Detailed utility and infrastructure construction plans, grading plan and drainage plan, approved by the City Engineer.

- (9) A statement summarizing all changes which have been made to any document, plan data, or information previously submitted, together with revised copies of any such document, plan or data.
- (10) Such other and further information as the Zoning Administrator, City Engineer, Planning Commission or City Council shall find necessary to a full consideration of the entire proposed PUD or any stage thereof.
- (11) Title opinion provided by the developer showing good and marketable title in the names of the owners of the property. This opinion, together with an updated abstract, should be submitted to the City Attorney for review.
- (12) The Planning Commission may, by a written order, excuse any applicant from submitting any specific item of information required herein which it finds to be unnecessary to the consideration of the specific proposal for PUD approval.

**154.198 AMENDMENTS AND ADMINISTRATION.**

(A) Generally. Amendments may be made in the approved final plan when they have shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City.

- (1) Minor changes in location, siting, and height of buildings and structures may be authorized by the Zoning Administrator if requested, and if caused by unforeseen circumstances and if they are consistent with the intent and purpose of the final plan and do not increase the size of any building or structure any more than ten percent than originally proposed in the Preliminary PUD Plan.
- (2) All other changes, including but not limited to use, rearrangement of lots, blocks and open space must be authorized by the Planning Commission and City Council under procedures outlined in the Preliminary PUD Plan, following a public hearing, with amendments to the recorded copy of the final plan, following Council approval. It could leave questions later on that it wasn't listed in the ordinance.

(B) Annual review. The Zoning Administrator shall review each PUD at least once each year and shall make a report through the Planning Commission to the City Council on the status of the development in each PUD Overlay District. If development is not progressing reasonably well, according to schedule, the owner shall be required to submit a statement to the Zoning Administrator setting forth the reasons for the lack of progress. If the City Council finds that the development has not occurred according to the establishing development schedule or is not otherwise reasonable in the view of the City Council, the City Council may initiate rezonings to remove the PUD Overlay District in any event. It shall not be necessary for the City Council to find the rezoning to a PUD Overlay District was in error.

**154.199 ADOPTED PUD OVERLAY DISTRICTS.**

The following constitute adopted PUD overlay districts as approved by the Council. Each area zoned PUD is numbered in chronological order based on the date of original adoption followed by a brief description of the location.