

# Chapter 04

## Planned Unit Development Districts

---

*Porter County  
Unified Development  
Ordinance*

# Planned Unit Development (PD) Districts

## 4.01 PD District Intent, Permitted Uses and Qualifying Standards

District Intent	Regulations	Prerequisites
<p><b>The purpose of the Planned Unit Development (PD) district is to:</b></p> <ul style="list-style-type: none"> <li>• Allow a mixed-use development when appropriate and when it fits into the context of the area.</li> <li>• Allow a unique and innovative design, layout, and/or development product that cannot be reasonably achieved through the application of the subdivision regulations, design standards, and development standards. The need for variances or waivers is not justification for applying for a Planned Unit Development.</li> <li>• Allow the development of a unique property which is substantially unable to be developed when the subdivision regulations, design standards, and development standards are applied.</li> </ul>	<ul style="list-style-type: none"> <li>• Permitted uses in Planned Unit Developments shall be substantively consistent with the Comprehensive Plan and the default zoning district. Any contrary uses shall be prohibited.</li> <li>• The Planned Unit Development shall substantively follow and help achieve the Thoroughfare Plan.</li> <li>• The Planned Unit Development shall conform to the design standards and development standards listed in <i>Chapter 04</i>. All other design standards and development standards are subject to proposal by the developer and approved at the discretion of the Plan Commission and Board of County Commissioners.</li> <li>• The Planned Unit Development shall be consistent with the goals of the Comprehensive Plan for the area in which it is located.</li> </ul>	<ul style="list-style-type: none"> <li>• The area designated in the Establishment Plan must be a tract of land either under single ownership or control.</li> </ul>

# Planned Unit Development (PD) Districts

## 4.02 Development Requirements

### A. Limitations:

1. *Prohibition Effective Date:* Effective June 15, 2007, the County shall not accept petitions for new Planned Unit Developments. The Planned Unit Development standards found in *Chapter 04*, the design standards applicable to Planned Unit Developments found in *Chapter 07: Subdivision, Development Plan, and PUD Design Standards*, and the Planned Unit Development processes found in *Chapter 10: Processes, Permits, and Fees* have been retained to allow the County to administer those Planned Unit Developments approved and adopted prior to the prohibition effective date.
2. *Minimum Project Area:*
  - a. Residential: Eighty (80) acres.
  - b. Commercial: Twenty-five (25) acres.
  - c. Infill: Three (3) acres.
  - d. Mixed-use: One hundred (100) acres.
3. *Minimum Project Open Space:* No Planned Unit Development 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 area or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and Board of County Commissioners. Open space shall be provided in at least the following percentage of the total gross area of the Planned Unit Development by type of use:
  - a. Residential: Twenty-five percent (25%).
  - b. Commercial: Twenty percent (20%).
  - c. Infill and Mixed-use: In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. Provided, however, the permanent open space need not be located in proximity to the use in the case of preservation of existing features.
4. *Minimum Access Requirement:*
  - a. Residential, Commercial, or Mixed-use: Real property that is the subject of a residential, commercial, or mixed-use Planned Unit Development proposal shall have primary access on a fully improved public street with a classification of minor arterial or higher.
  - b. Infill: Real property that is the subject of an infill Planned Unit Development proposal shall have primary access on a fully improved public street with a classification of minor collector or higher.

## Planned Unit Development (PD) Districts

### B. Standards:

#### 1. Chapter 05: Zoning District Development Standards:

- a. Applicability: Unless alternate development standards are specified in the PUD District Ordinance, the default development standards of the zoning district specified in the PUD District Ordinance shall apply to the Planned Unit Development zoning district.
- b. Authorization to Propose Alternate Development Standards: Except as prohibited in §1(c): *Prohibitions* or restricted in §1(d): *Restrictions*, the petitioner may propose the use of alternate development standards. Alternate development standards deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of County Commissioners. Any lessening of the required development standards of *Chapter 05: Zoning District Development Standards* shall be directly linked to the intent of the Planned Unit Development to:
  - i. Provide a mixed-use development; or
  - ii. Provide a creative and unique design; or
  - iii. Address unusual physical conditions on site.
- c. Prohibitions: The petitioner is prohibited from proposing alternate development standards for the following sections of *Chapter 05: Development Standards*:
  - i. §EN: *Environmental Standards*;
  - ii. §FP: *Floodplain Standards*;
  - iii. §PF: *Performance Standards*;
  - iv. §PI: *Property Identification Standards*;
  - v. §PV: *Public Improvement Standards*;
  - vi. §SW: *Sewer & Water Standards*;
  - vii. §SX: *Sexually Oriented Business Standards*;
  - viii. §SE: *Special Exception Standards*;
  - ix. §TC: *Telecommunication Facility Standards*;
  - x. §VC: *Vision Clearance Standards*.
- d. Restrictions: The petitioner shall not propose alternate development standards for the following sections of *Chapter 05: Zoning District Development Standards* that are less restrictive than the development standards applicable to the default zoning district:
  - i. §ED: *Entrance & Driveway Standards*;
  - ii. §LT: *Lighting Standards*;
  - iii. §OS: *Outdoor Storage Standards*.
  - iv. §PA: *Pedestrian Accessibility Standards*;
  - v. §TU: *Temporary Use/Structure Standards*;
- e. Remainder: The petitioner may propose alternate development standards to those sections of *Chapter 05: Zoning District Development Standards* that are not specified in §1(c): *Prohibitions* and §1(d): *Restrictions* without restriction.

## Planned Unit Development (PUD) Districts

2. *Chapter 07: Subdivision, Development Plan & PUD Design Standards:*
  - a. **Applicability:** Unless alternate design standards are adopted in the PUD District Ordinance, the Planned Unit Development standards of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* of the Unified Development Ordinance shall apply to each Planned Unit Development zoning district.
  - b. **Authorization to Propose Alternate Design Standards:** Except as prohibited in §2(c): *Prohibitions* or restricted in §2(d): *Restrictions*, the petitioner may propose the use of alternate design standards. Alternate design standards deemed appropriate by the Plan Commission in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of County Commissioners. In such a case, the Plan Commission shall determine the alternate design standards that are appropriate in order to accomplish the intent of the Planned Unit Development. Any lessening of the required design standards of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* shall be directly linked to the intent of the Planned Unit Development to:
    - i. Provide a mixed-use development; or
    - ii. Provide a creative and unique design; or
    - iii. Address unusual physical conditions on site.
  - c. **Prohibitions:** The petitioner is prohibited from proposing alternate design standards for the following sections of *Chapter 07: Subdivision, Development Plan & PUD Design Standards:*
    - i. §AC: *Access Road Standards;*
    - ii. §CE: *Covenant Standards;*
    - iii. §DD: *Dedication of Public Improvement Standards;*
    - iv. §DN: *Development Name Standards;*
    - v. §EA: *Easement Standards;*
    - vi. §EC: *Erosion Control Standards;*
    - vii. §FL: *Floodplain Standards;*
    - viii. §LT: *Lot Establishment Standards;*
    - ix. §MM: *Monument & Marker Standards;*
    - x. §PN: *Pedestrian Network Standards;*
    - xi. §PQ: *Prerequisite Standards;*
    - xii. §SM: *Storm Water Standards;*
    - xiii. §SN: *Street Name Standards;*
    - xiv. §SS: *Street Sign Standards;*
    - xv. §SY: *Surety Standards.*
  - d. **Restrictions:** The petitioner shall not propose alternate design standards for the following sections of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* that are less restrictive than the design standards applicable to Planned Unit Developments:
    - i. §AL: *Alley Standards;*
    - ii. §CA: *Common Area Standards;*
    - iii. §CR: *Conservation Standards;*
    - iv. §OG: *On-street Parking Standards;*
    - v. §OP: *Open Space Standards;*
    - vi. §PL: *Perimeter Landscaping Standards;*
    - vii. §SR: *Street & Right-of-way Standards;*
    - viii. §SL: *Street Lighting Standards;*
    - ix. §UT: *Utility Standards.*
  - e. **Remainder:** The petitioner may propose alternate design standards to those sections of *Chapter 07: Subdivision, Development Plan & PUD Design Standards* that are not specified in §2(c): *Prohibitions* and §2(d): *Restrictions* without restriction.

## Planned Unit Development (PD) Districts

3. *Construction Standards:*
    - a. *Applicability:* Unless alternate construction standards are adopted in the PUD District Ordinance, the requirements of the *General and Detailed Specifications* shall apply to each Planned Unit Development zoning district.
    - b. *Authorization to Propose Alternate Construction Standards:* Alternate construction standards deemed appropriate by the County in order to accomplish the intent of the Planned Unit Development shall be specified in the PUD District Ordinance that is certified by the Plan Commission and adopted by the Board of County Commissioners. Any lessening of the required standards of the *General and Detailed Specifications* shall be directly linked to the intent of the Planned Unit Development to:
      - i. Provide a mixed-use development; or
      - ii. Provide a creative and unique design; or
      - iii. Address unusual physical conditions on site.
  4. *Procedure for Establishing Alternate Standards:*
    - a. *County Engineer:* All proposals to deviate from the standards of *Chapter 05: Zoning District Development Standards; Chapter 07: Subdivision, Development Plan & PUD Design Standards;* or the *General and Detailed Specifications* shall be reviewed by the County Engineer in conjunction with the Establishment Plan & PUD District Ordinance petition.
    - b. *Technical Advisory Committee:* Prior to the project's being brought before the Plan Commission for public hearing, the petitioner shall be responsible for securing the approval of all agencies represented on the Technical Advisory Committee that would have facilities affected by an alternate standard.
    - c. *Local, State and Federal Agencies:* Prior to the project's being brought before the Plan Commission for public hearing, the petitioner shall be responsible for securing the approval of all local, State, and federal agencies not represented on the Technical Advisory Committee that would have facilities affected by an alternate standard.
    - d. *Restriction:* Failure to secure the approval of any agency that would have facilities affected by an alternate standard shall preclude the bringing of any Development Plan that relies on such alternative standard before the Plan Commission or Board of County Commissioners for consideration.
- C. Definitions:
1. *Applicability:* The definitions found in *Chapter 12: Definitions* of the Unified Development Ordinance shall apply to every Planned Unit Development zoning district.
  2. *New Definitions:* The petitioner may propose definitions for words that are not defined in *Chapter 12: Definitions* of the Unified Development Ordinance; however, the new definitions shall not be applicable to the proposed Planned Unit Development zoning district alone, but added to *Chapter 12: Definitions*. To that end, the petitioner shall identify every instance in which the word (or any variation thereof) proposed to be defined occurs in the Unified Development Ordinance and in every other PUD District Ordinance to ensure that the usage of the word will be consistent throughout.
  3. *Amended Definitions:* The petitioner may propose the amendment of definitions for words that are defined in *Chapter 12: Definitions* of the Unified Development Ordinance; however, the amended definitions shall not be applicable to the proposed Planned Unit Development zoning district alone, but amended within *Chapter 12: Definitions*. To that end, the petitioner shall identify every instance in which the word (or any variation thereof) for which the amended definition is proposed occurs in the Unified Development Ordinance and every other PUD District Ordinance to ensure that the usage of the word will be consistent throughout.
- D. PUD District Ordinance Format: The PUD District Ordinance shall follow the standard format adopted by the County.

# Planned Unit Development (PD) Districts

## E. Procedures:

1. *PUD Procedures:* The procedures for the establishment and administration of a Planned Unit Development zoning district are set forth in *Chapter 10; §Planned Unit Development* of the Unified Development Ordinance. Alternate procedures shall not be established for any Planned Unit Development zoning district.
2. *Subdivision Procedures:* All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Chapter 10; §Subdivision Control* of the Unified Development Ordinance. However, the Primary Plat shall be incorporated into the Detailed Development Plan review and approval process; and the Secondary Plat shall be incorporated into the Final Development Plan review and approval process. Alternate subdivision procedures shall not be established for any Planned Unit Development zoning district. The petitioner shall only be required to pay the filing fee associated with the applicable Planned Unit Development process.

F. Amendments to the Unified Development Ordinance: Unless the PUD District Ordinance specifies an alternate development or design standard, an amendment to the text of the Unified Development Ordinance shall apply equally to Planned Unit Development zoning districts.

G. Build-out: All Planned Unit Developments, once ninety-five percent (95%) built-out are subject to being rezoned to an appropriate standard zoning district if the County deems it necessary to administer the development.

## 4.03 Origination of Proposals

A. A Planned Unit Development is a special zoning district that can be pursued by a petitioner. A parcel or site proposed for a Planned Unit Development is not required to be under single ownership. However, if not under single ownership, the petitioner must represent all the property owners within the proposed area of the Planned Unit Development prior to submitting an application for an Establishment Plan & PUD District Ordinance approval.

