

**City of Danville
PROCEDURES FOR
PLANNED UNIT DEVELOPMENTS**

A. PROCEDURES:

- 1. Prior to the preparation of a formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development. The purpose of this meeting is to afford the applicant the opportunity to be advised of the procedures and requirements involved in submitting an application and the policies that may affect the application.**

- 2. The applicant shall complete a PUD application and shall prepare a preliminary development plan and other supporting materials to generally describe:**
 - (a) General layout of proposed land uses;**
 - (b) Location of proposed buildings, structures and other improvements;**
 - (c) Location of proposed streets, sidewalks, access ways, parking areas, and screening;**
 - (d) Location of common open space and the use of common open space being provided, where applicable;**
 - (e) Location of all existing property lines, easements, buildings, streets, sidewalks and other improvements;**
 - (f) Location of any significant physical features existing on the site including floodplains, waterways and topography and the pattern of surface water drainage;**
 - (g) A legal description of the entire area proposed for development;**
 - (h) The total number of dwelling units proposed and a description of the types of residential units, if applicable;**
 - (i) The proposed gross leaseable floor area of commercial and/or industrial buildings, if applicable;**

- (j) **The proposed lot coverage of buildings and structures as a percentage of the total development area;**
 - (k) **The present and proposed ownership arrangement of all land within the site;**
 - (l) **Preliminary engineering plans or information on existing and proposed sanitary sewers, storm drainage, water supply and other utilities necessary to adequately service the development;**
 - (m) **Proposed agreements, provisions or covenants which will govern the use, maintenance, and continued protection of the development and any of its common open space;**
 - (n) **A timetable for development that indicates the approximate date when construction would begin, the stages in which the project would be built and the approximate dates when construction of each stage would begin and end;**
 - (o) **Additional information that may be requested by the Zoning Administrator.**
3. **The applicant shall file the completed application, the preliminary development plan and other exhibits with the Zoning Administrator and pay a filing fee of \$300. Once filed with the Zoning Administrator the PUD shall be scheduled for a public hearing before the Planning & Zoning Commission.**
 4. **The PUD shall be filed and the public hearing conducted in accordance with the standard hearing requirements for zoning district amendments. The applicant shall have notice of the public hearing published in a newspaper of general circulation in the City at least 15 days but not more than 30 days prior to the public hearing. Notices of the public hearing shall be mailed to all property owners within 250 feet of the outer boundaries of the property in question. Said mailing shall be completed at least 15 days but not more than 30 days prior to the public hearing.**
 5. **The Commission will hold a public hearing and review the application and preliminary development plan to determine possible adverse effects of the proposed PUD and to determine what additional requirements may be necessary to reduce such adverse effects. Following the public hearing and review, the Commission will make a recommendation to the City Council for approval, conditional approval or denial of the proposed PUD and preliminary development plan within 30 days. The applicant(s) or a representative must be present at the public hearing.**
 6. **The City Council, within a period of 60 days after receipt of the Commission's recommendation, shall then approve, approve with modifications or disapprove the PUD and the preliminary development plan.**
 7. **Approval of the preliminary development plan by the City Council shall not constitute final approval of a PUD. Rather, it shall be deemed an expression of approval of the basic provisions and concepts of the plan and act as a guide for the preparation of the final development plan. The final development plan shall conform**

to the approved preliminary development plan. Approval of the preliminary development plan shall not be construed as an implied waiver of any matter. A waiver of any requirement shall be in written form and must accompany the final development plan.

8. **The approval of the preliminary development plan by the City Council shall be valid for one year from the date of approval. If a final development plan is not filed within one year from the date of approval of the preliminary development plan by the City Council, the approval of the preliminary development plan shall lapse, and the PUD classification shall be void and no longer in effect.**

9. **After receiving approval of the PUD designation and the preliminary development plan the applicant shall prepare a final development plan and other supporting materials to specifically include:**
 - (a) **A subdivision plat in the same form and meeting all the requirements of a semi-final subdivision plat under the Subdivision regulations, if the subdivision of land is necessary;**
 - (b) **A legal description of each separate unsubdivided use area, including common open space;**
 - (c) **Specific types of uses and location of such uses to be created within the PUD;**
 - (d) **Designation of the exact location of all buildings to be constructed and the internal uses of these buildings;**
 - (e) **Final tabulation of number of dwelling units per acre, residential unit types and lot coverage;**
 - (f) **Complete landscaping plan for the development;**
 - (g) **Detailed maintenance plan for open space and responsibilities for all public and private improvements;**
 - (h) **Any other plans or specifications that may be necessary for final engineering approval of drainage, street design, utilities, and other facilities by the City Engineer;**
 - (i) **Certificates, seals, and signatures required for the dedication of lands, and recording of the documents;**
 - (j) **The other materials required for the preliminary development plan submission in their final form;**
 - (k) **Declaration of covenants, easements and restrictions affecting any of the uses within the PUD;**

- (l) Additional information that may be requested by the Zoning Administrator.
- 10. Once the final development plan has been completed and filed with the Zoning Administrator, the final development plan shall be scheduled for review by the Commission. Following the review of the final development plan, the Commission shall recommend approval, modification or disapproval of the final development plan for the PUD within 30 days.
- 11. The City Council, after receipt of the Commission's recommendation, shall approve, approve with modifications or disapprove the final development plan within a period of 60 days. The final approval of the PUD shall be effective only upon the passage of an ordinance by the City Council and the filing of the final development plan with the Recorder of Deeds. The recording of the final development plan shall inform all who deal with the PUD of the terms, conditions and provisions of the plan, which shall run with the land. A PUD shall be developed only according to an approved and recorded final development plan. The final development approval may be granted in phases as approved by the City Council. Each final development approval of a phase shall be recorded in the same manner as the final approval of an entire PUD.

B. CHANGES SUBSEQUENT TO APPROVAL:

- 1. **Minor Amendments.** Changes which do not alter the basic provisions and concepts of the final development plan shall be considered minor amendments and may be authorized at the discretion of the Zoning Administrator. Minor amendments may include changes in the location, siting, and height of buildings, provided these changes are necessitated by engineering limitations or other circumstances unforeseen at the time the final development plan was approved. No amendment to the approving ordinance shall be needed in such cases, but a memorandum of changes shall be filed and recorded with the Recorder of Deeds.
- 2. **Major Amendments.** All other changes to the uses, common open spaces, arrangement of lots, lot coverage, or development schedule may only be made by following the procedures for final development plan approval as provided herein. Any changes which are subsequently approved must be recorded as amendments to the final development plan in accordance with the procedure established for the recording of the initial final development plan.

C. EXPIRATION AND TERMINATION:

- 1. The applicant shall conform to the development schedule that is approved with the final development plan. If the applicant has not complied with the approved development schedule a new hearing shall be scheduled before the Commission, to determine whether the approval of the final development plan shall lapse, and the PUD classification be void and no longer in effect. At its discretion and for good cause, the Zoning Administrator may extend up to one additional year the period for the beginning of construction, the establishment of an approved use, or completion of a phase of the development as indicated in the approved development schedule.

2. **If the final approval of a PUD lapses under the provisions of the Zoning Ordinance, the City Council shall pass an ordinance declaring such PUD final development plan null and void under the terms of this section, and shall direct the City Clerk to record said vacation ordinance.**
3. **Once the final development plan for a PUD is recorded, if the applicant desires to abandon and vacate such final development plan, the applicant shall petition the City Council for the passage of an ordinance vacating such final development plan. If such an ordinance is passed, the City Clerk shall record such vacation ordinance with the County Recorder, with the recording fee to be paid by the applicant. Unless such vacation is approved by the City Council and duly recorded, no construction shall be undertaken or use established on the property included in the PUD, except in accordance with the approved PUD plan.**

D. REQUIRED DOCUMENTS AND BONDS:

1. **All common open space, upon mutual agreement of the applicant and the City, shall be either conveyed to the City or conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the PUD or adjoining property owners by providing perpetual maintenance of all lands in common within the PUD; or guaranteed by a restrictive covenant describing the open space and its maintenance and improvement and running with the land for the benefit of the residents of the PUD or adjoining property owners or both.**
2. **The construction and maintenance of all public facilities and improvements which are a part of a PUD shall be bonded for in accordance with the Subdivision Regulations, and approved prior to the recording of the final development plan. Such bonding shall also be required for private drives that provide ingress or egress for more than one structure.**