

Chapter 5: Planned Unit Development

5

CONTENTS

5.1 General Provisions	80
5.2 Procedure to Establish / Rezone to a PUD	81
5.3 Initial Zoning or Rezoning to a PUD	85
5.4 Preliminary Plan	88
5.5 PUD Final Detailed Plan	92
5.6 Common Areas and Facilities	94
5.7 Modifications to the Approved PUD	95

5 5.1 General Provisions

See Also:

IC 36-7-4-1500 et. seq.

5.1 GENERAL PROVISIONS

A. DESCRIPTION OF DISTRICT. This district is intended to provide more development flexibility and innovative approaches than are possible through the application of customary zoning regulations. The PUD district allows for mixed-uses and mixed densities under one zoning classification to reflect this development trend. This ordinance allows any zoning district to be rezoned for the creation of a PUD district. All PUD Districts shall be consistent with the requirements of this ordinance.

B. DEVELOPMENT STANDARDS. All land use classifications that are allowed in this ordinance may be permitted within a PUD, unless otherwise omitted. All various types of development, i.e., residential, commercial, or industrial shall meet the requirements of this Unified Development Ordinance, as they apply to those classifications.

C. STATEMENT OF PURPOSE

1. A PUD district is one that (IC 36-7-4-1503):
 - a. Designates a parcel of real property as a planned unit development district.
 - b. Specifies uses or a range of uses permitted in the planned unit development district.
 - c. Specifies development requirements in the planned unit development district.
 - d. Specifies the plan documentation and supporting information that may be required.
 - e. Specifies any limitation applicable to a planned unit development district.

D. APPLICABILITY

1. The provisions of this section shall apply only to a tract of land proposed to be a minimum of five (5) acres.
2. The provisions of this section shall apply only to proposed new developments and shall not apply to any Planned Unit Development which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance. However, a petitioner may, upon application and approval of the Commission, become subject to all the benefits and requirements of this section, subject to such rights as shall have vested in the owners of the area affected by development under this ordinance.

E. PUD USES AND STANDARDS

1. Uses. All uses are subject to the discretion and approval of the Plan Commission. Once uses are approved by the Plan Commission, they are granted by right. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.
2. Development Requirements. Unless alternate development or design standards are proposed by the petitioner in the PUD District Ordinance and approved by the Plan Commission and the Common Council, the development and design standards established by Chapter 4: Zoning Districts, and Chapter 7: Development Standards shall apply.
3. Rules and Procedures. All proceedings brought under this chapter are subject to the Rules of Procedures of the Plan Commission.
4. Limitation of Ordinance Amendments. Any initiative of the Plan Commission to amend the Unified Development Ordinance that would affect an approved Planned Unit Development before its completion, shall not be enforced on the Planned Unit Development. New amendments to the Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

5.2 PROCEDURE TO ESTABLISH / REZONE TO A PUD

- A. ORIGINATION OF PROPOSALS.** Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this chapter. The applicant shall submit an application and fee for Planned Unit Development in accordance with the procedures below in Subsection 5.2(C).
- B. OWNERSHIP.** A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission. The Common Council may grant an extension of such time for such a period as it deems in the public interest.
- C. PROCEDURES.** The authorization of a Planned Unit Development shall be

5 5.2 Procedure to Establish/Rezone to a PUD

subject to the procedures expressed herein. There is a four step process. The steps in the process are:



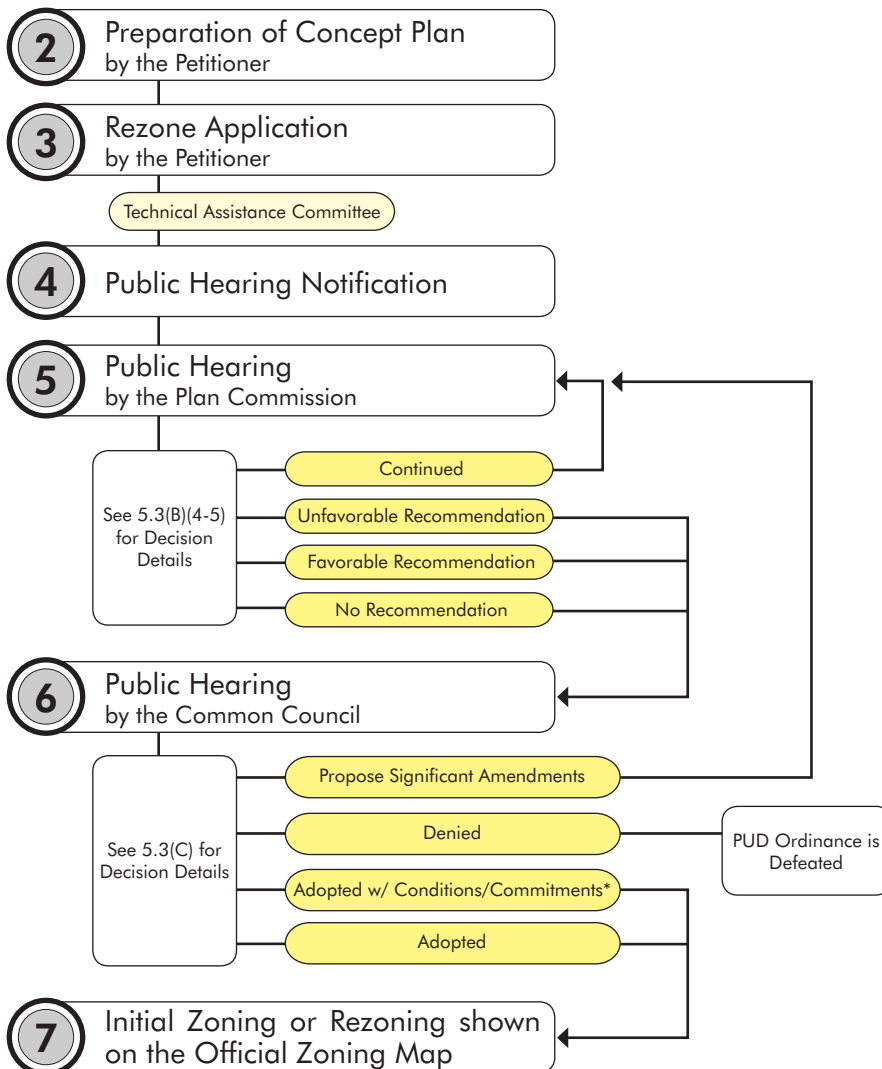
1. Pre-Submittal Conference
 - a. Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall meet with and present the general concept to City Planning and Building staff to discuss the development concept in relation to adopted City policies;
 - b. The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.
2. Initial Zoning or Rezone to a PUD. During this phase, the Concept Plan and the unique development requirements for the PUD are prepared and submitted for review by the Technical Assistance Committee prior to submission to the Plan Commission and the Common Council in the form of a PUD Ordinance. Refer to Section 5.3 Initial Zoning or Rezoning to a PUD below.
3. Preliminary Plan. The Preliminary Plan can proceed concurrently with the PUD District Ordinance. The Preliminary Plan addresses the layout of the overall site and serves the same function as a Primary Plat for projects which are to be subdivided. The Preliminary Plan shall be reviewed by the Technical Assistance Committee and shall be approved by the Plan Commission. Refer to Section 5.4 Preliminary Plan below.
4. Final Detailed Plan. The Final Detailed Plan provides specific detail for development of the site and serves as a Secondary Plat for parcels which to be subdivided. The Final Detailed Plan shall be reviewed by the Technical Assistance Committee and approved by the Plan Commission, the Administrator, or Plat Committee in accordance with the Plan Commission Rules of Procedure. Upon approval, staff may issue an Improvement Location Permit. Refer to Section 5.5 PUD Final Detailed Plan below.

5.2 Procedure to Establish/Rezone to a PUD **5**

Pre-Submittal Conference

- 1 Meet with City Staff to Discuss the Preparation of the Concept Plan

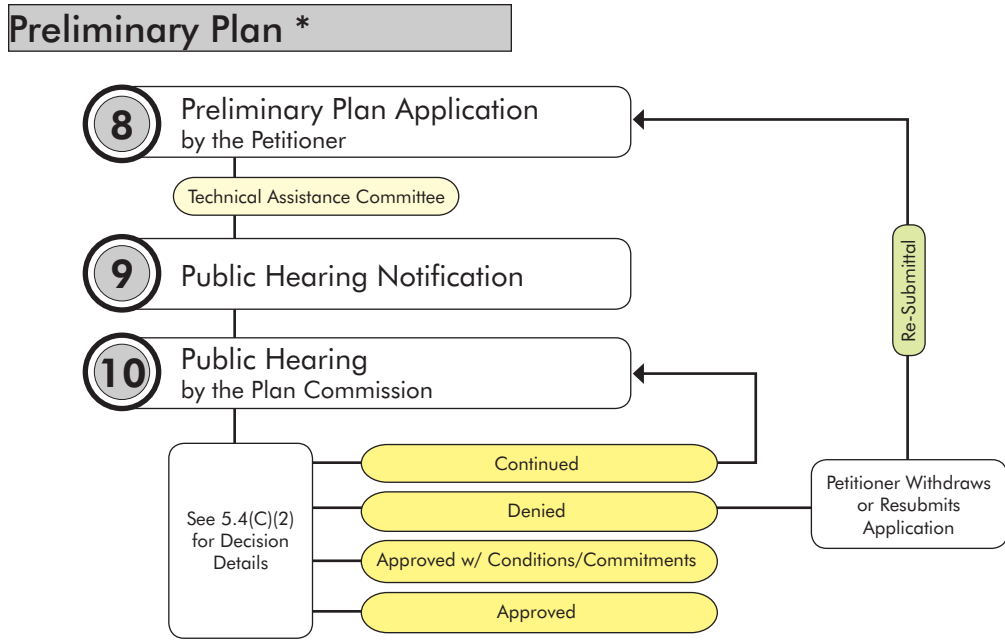
Initial/Rezone to a PUD



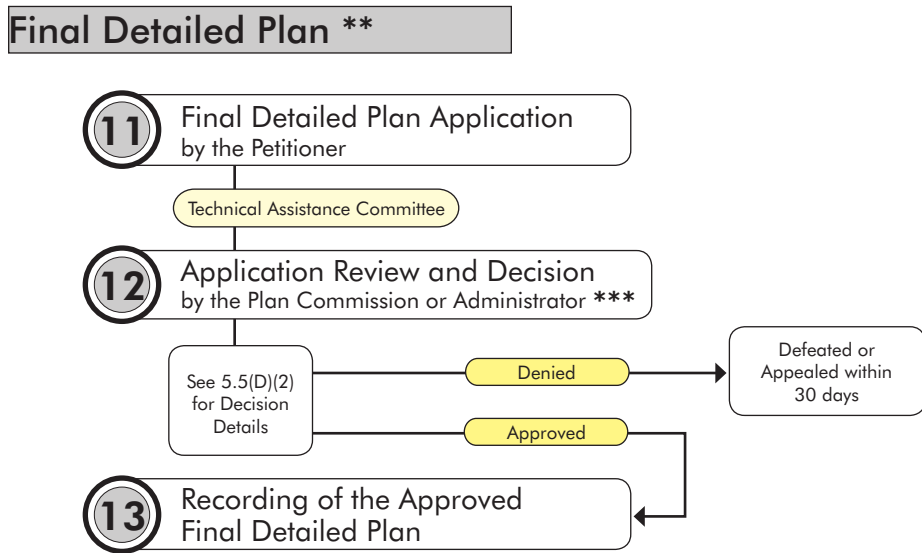
* Refer to IC 36-7-4-1512 for Common Council powers with regard to the PUD district ordinance.

5 5.2 Procedure to Establish/Rezone to a PUD

* Similar process to that of an Overall Preliminary Plat.



** Similar process to that of a Secondary Plat.



*** If denied by the Administrator, an appeal can be made to the Plan Commission.

5.3 Initial Zoning or Rezoning to a PUD **5**

5.3 INITIAL ZONING OR REZONING TO A PUD

A. CONCEPT PLAN AND APPLICATION PREPARATION AND REVIEW.

The purpose of the PUD District Ordinance is to designate a parcel of real property as a Planned Unit Development zoning district. The plan shall include:

1. Submittal. The PUD District Ordinance submittal shall include any graphic media which will explain the features to be contained within the development. The PUD District Ordinance and Concept Plan may take the form of a booklet, a set of 11x17 inch sheets, or a combination of these formats.
 - a. Show the boundary lines of adjacent subdivided and unsubdivided and the existing zoning of the area proposed to be developed as well as the land adjacent thereto.
 - b. Specify uses or a range of uses permitted in the Planned Unit Development zoning district;
 - c. Specify development requirements and standards based on the related zoning district or alternatives.
2. Concept Plan. The plan shall include a proposed layout to scale of the general concept for handling vehicular and pedestrian circulation, parking, general infrastructure, drainage, site perimeter treatment and other pertinent development features.
3. Superseding Original Plat. If the Planned Unit Development is to supersede an original plat being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plat, the new plan being clearly shown in solid lines.
4. Development Requirements. Detailed text documenting the development standards that apply to the proposed PUD District may be included.
 - a. Written Development Standards, including:
 - 1) Lot area.
 - 2) Floor area.
 - 3) Ratios of floor space to land area.
 - 4) Area in which structures may be built ("Buildable area"), including areas for cluster type Residential Development without lot lines.
 - 5) Open space.



5 5.3 Initial Zoning or Rezoning to a PUD

See Also:

Section 9.14 Written Commitments

- 6) Setback lines and minimum yards.
 - 7) Building separations.
 - 8) Height of structures.
 - 9) Signs.
 - 10) Parking and loading space.
 - 11) Design standards.
 - 12) Phasing of development.
5. Written Commitments. A description of any written commitments (Section 9.14 Written Commitments) that are being proposed as part of the development.
 6. Review By Technical Assistance Committee. The Technical Assistance Committee shall review the Concept Plan and the written findings of the TAC shall be submitted to the Plan Commission prior to Public Hearing.

B. PLAN COMMISSION PUBLIC HEARING. The Plan Commission will, in a public hearing scheduled consistent with the Plan Commission Rules of Procedure, review the application and required supporting information.



1. Notification. Notification for the scheduled public hearing regarding the Preliminary Plan shall be completed consistent with the requirements the Rules of Procedures of the Plan Commission.
2. Representation. Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.
3. Presentations. The Plan Commission shall consider a staff report from the Planning and Zoning Administrator or his/her designee and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules of Procedures of the Plan Commission.
4. Decision Criteria. In reviewing the Planned Unit Development District Ordinance and Concept Plan petition, the Plan Commission shall pay reasonable regard to the following, consistent with IC 36-7-4-603:
 - a. The extent to which the proposal fulfills the requirements and intent of the Comprehensive Plan and any other applicable, adopted planning studies or reports;
 - b. The current conditions and the character of current structures and

5.3 Initial Zoning or Rezoning to a PUD **5**

- uses in each zoning district;
- c. The most desirable use of which the land in each district is adapted;
 - d. The conservation of collective property values throughout the City of Lebanon as a whole; and
 - e. Responsible growth and development.
5. Possible Action. The Plan Commission will in concurrence with established rules and procedure review the application and required supporting information. The proposed PUD District Ordinance and Concept Plan shall be certified to the Common Council with one of the following recommendations. Per IC 36-7-4-1512, the Plan Commission may impose conditions or require written commitments from the applicant.
- a. Favorable Recommendation. The PUD District Ordinance application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in Subsection 5.3(B)(4).
 - b. Unfavorable Recommendation. The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in Subsection 5.3(B)(4).
 - c. No Recommendation. The application shall be forwarded with no recommendation.
 - d. Continued. The application may be continued based on a request by the Administrator, the petitioner, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
 - 1) Additional legal notice shall not be required unless specified by the Plan Commission.
 - 2) The continuing of all applications shall be to a specific date and consistent with the adopted Rules of Procedures of the Plan Commission.



- C. DECISION BY COMMON COUNCIL.** Upon certification of the PUD District Ordinance by the Plan Commission, the Common Council shall vote on the PUD ordinance within ninety (90) days. The Common Council shall



5

5.3 Initial Zoning or Rezoning to a PUD

pay reasonable regard to the decision criteria listed under [Subsection 5.3\(B\)\(4\)](#), consistent with IC 36-7-4-603 and IC 36-7-4-1512, and then may:

1. adopt the Ordinance,
2. adopt the PUD Ordinance with conditions or commitments,
3. return the PUD District Ordinance and Concept Plan to the Plan Commission with proposed amendments, or
4. deny the Ordinance.

D. INACTION. If the Plan Commission has given the proposal a favorable recommendation and the Council fails to act on the proposal within 90 days, the Ordinance takes effect as if it had been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the council fails to act on the proposal within 90 days, the proposal is defeated.

E. EFFECT OF APPROVAL ON PUD DISTRICT ORDINANCE



1. When a PUD District Ordinance and Concept Plan has been approved by the Council, the PUD zoning shall become effective, and its location shall be shown on the Zoning Map in accordance with the Plan Commission Rules of Procedure.
2. Upon such amendment to the zoning map, the use and development of the site shall be governed by the Planned Unit Development District and Concept Plan, subject to approval of the Preliminary Plan (similar to the Overall Primary Plat) and the Final Detailed Plan (similar to a Secondary Plat).
3. No permit of any kind shall be issued until the Final Detailed Plan has been approved.
4. Upon adoption by the Common Council, the PUD Ordinance District shall be returned to the Plan Commission which shall thereafter exercise or designate the Administrator to exercise continuing jurisdiction.

5.4 PRELIMINARY PLAN



A. PREPARATION. The Preliminary Plan shall be prepared in accordance with the established procedures detailed in the Application available in the City of Lebanon Planning and Building Department offices. The Preliminary Plan shall serve to divide the PUD District into Lots, Blocks, and Common Area.

B. CONTENT. The following shall be included in the Preliminary Plan

submission:

See Also:

IC 3-7-4-700 series

1. Cover Page & Index. The cover sheet shall include the development title, date of submittal, sheet index, applicants involved, land surveyors, engineers, or other professionals responsible for the Preliminary Plan design, and the legal description of the subject property and common address of the site.
2. Common Holdings Map. A map of any property adjacent to the property subject to the Preliminary Plan owned or otherwise controlled by any or all of the petitioners. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Preliminary Plan. The general description shall be in map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.
3. Existing Site Conditions.
 - a. Built Features. All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
 - b. Easements. All existing easements and an indication of their purpose;
 - c. Topography. A topographic survey of the area with contour intervals of 2 feet;
 - d. Natural Features. The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an eight (8) inch DBH);
 - e. Historic Features. An identification of any historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Boone County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures; and
4. Proposed Development. A conceptual plan of the proposed development of the property, including:
 - a. Circulation Systems. The layout and design of proposed streets, sidewalks, on- and off-street parking, bike lanes, paths and trails;

5

5.4 Preliminary Plan

- b. Land Uses: The land use, number of acres or square feet, density of any proposed residential uses);
 - c. Open Space. The proposed location, improvements to open space (including park facilities, natural areas, trail systems, and other designated common areas);
 - d. Landscaping. The conceptual design of landscaping, buffering, and/or screening, wooded areas to be preserved;
 - e. Natural Features. A description of the accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an 8 inch DBH);
 - f. Drainage. A Drainage Concept Plan with calculations meeting the requirements of Lebanon Utilities and the Boone County Drainage Board;
 - g. Infrastructure. The plan shall indicate how infrastructure will be provided to the site.
 - h. Historic Features. A description of the accommodation of historic features, specifically those listed as Outstanding, Notable, or Contributing on the Indiana Historic Sites and Structures Inventory - Boone County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures;
 - i. Covenants. A description of any private covenants and restrictions that will be established for the development. Covenants that set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation shall be required. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the City, and in such event the City shall take those remedial steps provided for in such provisions.
 - j. Project Phasing. A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.
5. Supplemental Information. Any other information requested by the Administrator or Plan Commission to aid in the review of the Detailed

Plan. This may included traffic studies or fiscal impact analyses.

C. PRELIMINARY PLAN APPROVAL PROCEDURES. Planned Unit Developments shall be required to comply with this section and the provisions of Subsection 9.19(B) Primary Plat (Major Subdivisions). In no instance shall the approval of a PUD be interpreted as waiving or modifying any Ordinance or Development Plan processes. This process may occur concurrently with the PUD District Ordinance and Concept Plan approval.

1. Technical Assistance Committee Review. The Technical Assistance Committee (TAC) shall review the Preliminary Plan for conformance with the standards and set procedures. Following the TAC review, the petitioner shall revise the petition as deemed appropriate.
2. Plan Commission Approval Process.
 - a. Public Notice and Hearing. Notice and Hearing requirements are as specified in the Plan Commission Rules of Procedure, as amended.
 - b. Decision. The Plan Commission shall:
 - 1) Approve the petition;
 - 2) Approve the petition with conditions and/or commitments;
 - 3) Deny the petition; or
 - 4) Continue the petition to a definite future meeting date.
 - c. Commitments and Covenants Recording. The President of the Plan Commission shall sign the approved Preliminary Plan which shall be dated and stamped "APPROVED". Any commitments shall be recorded on the Plat and filed with the Boone County Recorder's Office within thirty (30) days of the approval of the Preliminary Plan. Covenants shall be filed with the City of Lebanon. The documents must indicate that covenants are private agreements that may be enforced at the discretion of the Plan Commission. The petitioner shall provide one (1) copy of the recorded documents to the Administrator for the records of the Plan Commission prior to proceeding with a Final Detailed Plan.
3. If Approved. Approval of the Preliminary Plan by the Plan Commission shall act as an overall Primary Plat, show restrictions placed on the land, and act as a zoning control device. No construction, site grading, etc. is authorized by adoption of the Preliminary Plan.
4. If Approved with Conditions and/or Commitments. Following Plan



5

5.4 Preliminary Plan

Commission approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plan Commission.

5. If Denied. Following Plan Commission denial, the Plan Commission shall make written findings giving the reasons for denial. The petitioner may prepare a new Preliminary Plan application and resubmit.

5.5 PUD FINAL DETAILED PLAN

A. CONFORMANCE TO PRELIMINARY PLAN. The Final Detailed Plan shall conform to the PUD Preliminary Plan as approved.

B. SUBMISSION. The PUD Final Detailed Plan and supporting data shall be filed with the Planning and Zoning Administrator.

C. CONTENT. The Final Detailed Plan shall be the complete set of construction documents including construction plans, details illustrating materials and connections, and specifications for every element of the proposed project. Other documents shall include, but not be limited to, the following:



1. Such additional information as may have been required by the Preliminary Plan Approval.
2. An accurate map exhibit of the entire phase for which PUD Final Detailed Plan approval is being requested which complies with the requirements for development plans, as set forth in [Section 9.17 Development Plan](#), single-family residential development on individual lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.
3. Projected construction schedule.
4. Agreements and covenants which govern the use, maintenance, and continued protection of the PUD and its common spaces, shared facilities, and private roads.
5. Financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the this ordinance.

D. FINAL DETAILED PLAN PROCEDURES. The procedure for the approval of a PUD Final Detailed Plan is similar to that for a Secondary Plat and shall be as follows:

1. Review By Technical Assistance Committee. The Technical Assistance

5.5 PUD Final Detailed Plan **5**

Committee shall review the PUD Final Detailed Plan in accordance with the development plan requirements of Section 9.17 Development Plan of this ordinance.

2. Administrative Decision by Staff. As designated by the Plan Commission, the Administrator or his/her designee may approve or deny the Final Detailed Plan application.
 - a. Approve. The application may be approved if it is found to be consistent with all applicable requirements and the intent of this ordinance.
 - b. Deny. The application may be denied if it is found to be inconsistent with any applicable requirements and/or the intent of this ordinance.
 - c. Appeal. The applicant may appeal the decision of the Administrator to the Plan Commission within thirty (30) days.



- E. TIME LIMITATION.** Approval of a Final Detailed Plan shall be obtained within two (2) years after adoption of the PUD Ordinance District by the Common Council. The Plan Commission, upon proper application and for good cause, may grant without a public hearing an extension of time for such period as it deems is in the public interest.
- F. PHASING.** The commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit a partial Final Detailed Plan which corresponds to the phases involved.
- G. MODIFICATIONS.** All development within a PUD shall conform to the corresponding approved Final Detailed Plan. In the exercise of its continuing jurisdiction, the Administrator shall be cognizant of any substandard deviations from the approved Preliminary Plan and take appropriate action. The Administrator may allow modifications in the Final Detailed Plan in a manner consistent with the approved Preliminary Plan to allow for changed circumstances and conditions unforeseen at the time of original approval.
- H. STREETS.** Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plan Commission shall handle such matters in accordance with its regular procedures in accordance with law.
- I. ABANDONMENT.** Under the abandonment of a development authorized under this section, the Plan Commission shall initiate an amendment to the Unified Development Ordinance so that the land will be zoned into a category or categories which approximates its existing use or such other

5 5.5 PUD Final Detailed Plan

zoning category or categories which it deems appropriate.

1. Abandonment shall be deemed to have occurred:
 - a. when no improvements have been made pursuant to the approved Final Detailed Plan for twenty-four (24) consecutive months;
 - b. upon the expiration of five (5) years from the issuance of the approval of a Final Detailed Plan for a development which has not been completed;
 - c. upon the expiration of an extension granted by the Commission.

K. RECORDING. An approved Final Detailed Plan shall be treated the same as an Approved Plat and modifications thereof shall be recorded in the appropriate plat books in the offices of the Boone County Recorder within six (6) months after approval by the Plan Commission. A copy of the recorded plat shall be submitted to the City.



L. PERMIT. No Improvement Location Permit shall be issued for a PUD District by the Plan Commission unless all recording required by [Subsection 5.5\(K\)](#) above has been effected. No Certificate of Occupancy shall be issued for an PUD District unless the approved Final Detailed Plan with modifications, if any, is adhered to, all in compliance with the purposes of this ordinance. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Plan Commission in accordance with this ordinance and the petitioner has, at least twenty-four (24) hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.

5.6 COMMON AREAS AND FACILITIES

- A. HOMEOWNERS ASSOCIATION.** Adequate provision shall be made for a private organization (i.e. Homeowners Association) with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development Plan, and, in such instance, legal assurance shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- B. MAINTENANCE.** Common areas and facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate

See Also:

[Section 8.17
Common Area
Maintenance
or Homeowners
Association](#)

5.6 Common Areas and Facilities **5**

of charge to the beneficiaries thereof. Common areas and facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit. Adequate access shall be provided for fire, police, health, sanitation, and public utilities vehicles to service common areas.

5.7 MODIFICATIONS TO THE APPROVED PUD

A. MAJOR MODIFICATIONS REQUIRING NEW PRELIMINARY PLAN APPROVAL. New Planned Unit Development Preliminary Plan approval by the Plan Commission shall be required for changes which alter the concept or intent of the PUD District including but not limited to:

1. Significant changes in the proportion or allocation of land uses;
2. Changes in the type of approved uses;
3. Changes in the location of uses;
4. Lessening of aesthetic treatments;
5. Changes in functional uses or open space, where such change constitutes an intensification of use of the open space;
6. Changes in the final governing agreements, requirements or commitments where such changes conflict with the Preliminary Plan approval;
7. Density increases;
8. Changes to the internal street system or off-street parking areas which the Administrator considers to be significant;
9. Significant changes in drainage management structures, as determined by the Administrator;
10. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways; and/or
11. All other changes not expressly addressed under [Subsection 5.7\(B\)](#) below.

B. MINOR MODIFICATIONS

1. The following changes are considered minor modifications to the PUD Final Detailed Plan, and may be approved by the Administrator. The Administrator may choose to send a minor modification request directly to the Plan Commission if the opinion is that it would be in the best

5

5.7 Modifications to the Approved PUD

interest of the community, or if the request appears to be controversial. The Administrator's decision may be appealed to the Plan Commission by the property owner.

- a. Changes in lot arrangement, but not size, which are not detrimental to the proposed thoroughfare pattern of the development;
- b. Substitutions of plants;
- c. Reduction of parking spaces or setbacks by less than 5%;
- d. Increase in building square footage or height by less than 10%;
- e. Changes to the internal street system or off-street parking areas, which are considered minor by the Administrator;
- f. Minor changes in drainage management structures, as determined by the Administrator; and/or
- g. Changes in access to the development site, where such change amounts to a reduction in intensity in the traffic patterns of roadways, as determined by the Administrator.