

ARTICLE XV

PLANNED UNIT DEVELOPMENT ("PUD") DISTRICT

SECTION 1500 - PURPOSES OF THIS DISTRICT

The purposes for establishing Planned Unit Development ("PUD") districts are:

- A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.
- B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods.
- C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of streets rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.
- D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be *reserved collectively* in contiguous units accessible to all dwellings within the PUD as open space; this open space will provide recreational opportunities for the residents of the PUD, and will also afford improved, safer pedestrian circulation within the PUD.

SECTION 1501 - PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Development shall be a *superimposed designation* over a low density residential district (R-1A, R-1B or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section 1500. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1506.02.

SECTION 1502 - DEVELOPMENT PLAN APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a Planned Unit Development shall first prepare and submit a "development plan" to the Zoning Administrator in accordance with the **Subdivision Regulations**. All development plans for proposed PUD shall be reviewed by the

Planning Commission as well as the Zoning Administrator and the County Engineer. A development plan is a drawing or set of drawings depicting *the ultimate layout and proposed land uses* for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. *A development plan of a subdivision may be also be considered the "preliminary plat" (if it meets the specifications for preliminary plats), but the preliminary plat for each phase or stage of a PUD shall be approved by the Board of Supervisors prior to the initiation of any construction by the subdivider.* Following approval of the development plan and/ or preliminary plats (where the development plan meets the requirements for a preliminary plat), said *development plan and/ or preliminary plats shall be become the zoning requirements* for the development unless amended in accordance with Section 1511 of this Ordinance.

SECTION 1503 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2206 of this Ordinance indicating which areas he desires to be rezoned to R-3, R-4 or R-5.

Likewise, portions of a PUD may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the Official Zoning Map.

If the subdivider wishes to reserve portions of the proposed PUD for townhouse, patio home or apartment/ condominium development or commercial use, such areas shall be shown on a "development plan," which shall be submitted with an application for rezoning. *The same application for rezoning to a PUD may also include a request for rezoning to the appropriate townhouse, patio home, apartment/ condominium or commercial classification (without the necessity for filing a separate application for these uses).*

A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the higher density residential or commercial development) substantially conform to the development plan.

SECTION 1504 - LAND USES PERMITTED

The following uses are permitted outright in PUD districts subject to the regulations prescribed herein:

- A. Single-family detached dwellings (only one main structure per lot).
- B. Accessory uses and structures as defined under Article II of this Ordinance.
- C. Home occupations in compliance with Section 405 of this Ordinance.

- E. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.
- F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.
- G. *Public* recreational or open space facilities.

SECTION 1505 - CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS)AS PROVIDED IN SECTION 2605

- A. Public or quasi-public facilities or utilities may be considered for location in a PUD district in compliance with Section 402 of this Ordinance.
- B. Child care facilities.

SECTION 1506 - DIMENSIONAL REQUIREMENTS

- 1506.01 Minimum Size of PUD: The minimum size of any PUD shall be twenty (20) acres.
- 1506.02 Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1A, R1B or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD.
EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1B" as a PUD, the basic control of density is that of the R-1B district: 43,560 square feet divided by 15,000 square feet (minimum lot size in R-1B districts), resulting in a quotient of 2.90 lots or dwelling units; 30 acres multiplied by 2.90 = 87 lots or single-family detached dwelling units.
- 1506.03 Minimum Lot Size: No minimum.
- 1506.04 Minimum Lot Width: No minimum.
- 1506.05 Minimum Yards:
 - (a) Front yard: 20 feet. See Section 401.02 regarding double frontage lots and corner lots.

(b) Side yards: 7.5 feet.

(c) Rear yard: 20 feet.

1506.06 Maximum Height: 40 feet or 2 ½ stories.

SECTION 1507 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, MULTIPLE FAMILY RESIDENTIAL AND COMMERCIAL PORTIONS OF A PUD

If an application for rezoning is approved to allow portions of a PUD to be used for townhouses, patio homes, condominiums or apartments, or some commercial classification, the dimensional requirements of the appropriate district shall apply.

SECTION 1508 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404.01 of this Ordinance regarding the provision of landscaping along arterial streets upon which the Planned Unit Development abuts.

SECTION 1509 - COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD residents and owned and maintained by the residents through a Homeowner's Association (see Section 1509.07).

Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or development plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1509.01 Minimum Percentage of Land Reserved as Common Open Space:
Common open space shall comprise *at least fifteen percent (15%) of the gross area (total acreage) of the PUD* as shown on the required development plan. Public streets, parking lots (for example, a parking lot for a PUD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.

1509.02 Maximum Amount of Common Open Space Covered By Water:
Lakes and ponds shall not constitute 100% of the required open space.

1509.03 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Planning/Zoning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination

shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Board of Supervisors as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1509.04 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process.

All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (*precise locations and dimensions and proposed use*). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1509.05 Staged Development of a Planned Unit Development: Open space requirements for Planned Unit Developments shall be calculated based upon the total open space requirement for the entire subdivision. *However, if a Planned Unit Development is to be developed in stages or parts, fifteen (15%) of the acreage in the first phase and subsequent phases must be reserved for open space.* Thus, if a developer proposes to ultimately develop 80 acres of land for a Planned Unit Development, and the first phase will only contain 20 acres, the developer must reserve at least 3 acres for the first phase; 12 acres must be reserved for the entire subdivision, which may include the 3 acres reserved for the first phase.

1509.06 Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1509.07 Maintenance/Liability in the Operation and Use of Common Open Space Areas Not Dedicated to the Madison County: Authority granted by the Madison County for the development of a PUD shall not be construed as, nor constitute, an obligation on the part of Madison County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which *transfer ownership of the common open space areas to a homeowners association* and shall state that the assumption of liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners (i. e., the homeowners' association) of the several lots or parcels of land located within the PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

SECTION 1510 - APPROVAL OF BOARD OF SUPERVISORS REQUIRED FOR EACH PHASE OF STAGED DEVELOPMENT OF PUD

If a subdivider proposes to develop a Planned Unit Development in stages or phases, A PRELIMINARY SUBDIVISION PLAT FOR EACH PHASE OR STAGE OF THE DEVELOPMENT SHALL BE APPROVED PRIOR TO INITIATION OF ANY CONSTRUCTION BY THE SUBDIVIDER. Unless changes are made in the approved development plan and that plan includes *all proposed phases* of the PUD, *the development plan shall constitute the preliminary plat for each phase if the plat is prepared in accordance with the Madison County Subdivision Regulations*.

SECTION 1511 - CHANGES IN DEVELOPMENT PLANS OR SUBDIVISION PLATS

A development plan may include minimum lot sizes and proposed open space keyed to different areas of a proposed Planned Unit Development. If the development plan meets the requirements of the Subdivision Regulations for *preliminary plats*, the provisions of this section shall apply to previously approved preliminary plats. If a subdivider proposes *changes in lot sizes* for a particular portion of a Planned Unit Development, *changes in land reserved for open space or recreational areas* or *major changes in proposed street configurations* (as determined by the Zoning Administrator and County Engineer) from the development plan or preliminary subdivision plat approved by the Board of Supervisors, *a public hearing* shall be held before the Madison County Planning Commission in accordance with Section 2606 (Amendments to the Official Zoning Map-Rezoning) of this Ordinance to consider the proposed changes (since the development plan constitutes the zoning for the PUD). Such proposed changes shall be reviewed by the Planning Commission, which shall make a recommendation to the Board of Supervisors. The changes may be approved or denied by the Board of Supervisors. *No construction that would involve proposed changes in the development plan or subdivision plats previously approved by the Board of Supervisors shall be initiated by the subdivider prior to approval of the revised development plan or subdivision plats.*

SECTION 1512 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXIII regarding parking, loading and access control requirements.

SECTION 1513 - SIGNS

See Article XXV for sign regulations.