

CHAPTER 2. ZONING DISTRICT REGULATIONS

2.7 PUD Planned Unit Development District

- A. Statement of Intent.** The Planned Unit Development (PUD) District is intended to provide flexibility in exchange for long-term community benefits in the development of planned residential, commercial, office, or industrial complexes or combinations of such uses in which each unit is an integral part of an overall concept and all development occurs in conformance with a site-specific, pre-approved plan. Land shall be reclassified to this district only in exceptional situations, on request of the owner, and in response to a specific development proposal. The process will generally involve simultaneous reclassification and subdivision.

Permitted uses, minimum lot dimensions, required yards, height restrictions, parking, signage, and other regulations will be determined for each planned unit district as applicable in light of its unique characteristics, the Jackson County Land Use Policy Statement, the purpose and intent of this Ordinance, and the rules applying to the other zoning districts.

B. Special Requirements

- 1. Preliminary Application.** The owners of contiguous property comprising ten (10) acres or more may apply to have their land classified “PUD Planned Unit Development” on the Official Zoning Map. Smaller districts may be created where extraordinary public benefit is demonstrated. The written preliminary application shall be made to the Zoning Administrator and shall include the following information:
 - a. The legal description and local address of the property.
 - b. The present zoning classification and the zoning classification requested for the property.
 - c. The existing use and proposed use of the property.
 - d. The names and addresses of the owners of all property within five hundred (500) feet of the property for which the change is requested.
 - e. A plat showing the locations, dimensions and use of the applicant's property and all property within five hundred (500) feet thereof, including streets, alleys, railroads and other physical features.
 - f. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
 - g. Twelve (12) copies of a plan showing existing conditions on the property, to include at least the topography, all buildings and other structures, present uses and recorded lot lines.
 - h. Twelve (12) copies of a conceptual plan of the proposed development showing at least all proposed buildings with exterior dimensions, parking areas, points of connection to the public road system, water and wastewater facilities to be provided, and other proposed uses of land.
 - i. A preliminary plat to comply with the **Jackson County Subdivision Ordinance** if division of the land is proposed for purposes of sale, lease, or taxation.
 - j. A written statement describing the concept of the proposed development and substantiating that:
 - (1) It is in accord with the Land Use Policy Statement;

- (2) It will be more beneficial to the general public than development that could be accomplished under the provisions of any other zoning district;
 - (3) The design for the area is in accord with sound and generally accepted principles of architecture, landscape architecture, engineering, resource conservation, and related fields.
 - (4) A written statement proposing all allowed uses and required yards, height restrictions, parking, lighting, landscaping and signage for the district if not specified elsewhere in the application
- 2. Fee.** A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.
- 3. Review of Preliminary Application.**
 - a. Review of the preliminary application shall follow the procedure for notification, review and action on Map Change of Zoning District Boundaries (Rezoning) set forth in **Section 5.5** of this Ordinance.
 - b. If the application includes a preliminary plat for the division of land, review and approval of said plat shall follow the Preliminary Platting Procedure set forth in the Jackson County Subdivision Ordinance concurrent with the Rezoning procedures of this Ordinance.
 - c. The Zoning Commission, after holding its public hearing in accordance with **Subsection 5.5.A., Subsection 5.5.B., and Subsection 5.5.C.** of this Ordinance, shall state its recommendations for action on the concept presented and for the level of detail required for the final version of the plan.
 - d. The Board of Supervisors, after holding a public hearing in accordance with **Subsection 5.5.C.** of this Ordinance, shall likewise approve or disapprove the preliminary application as submitted or amended and, if approved, shall state the level of detail required for the final application. The Board of Supervisors also may impose conditions in accordance with **Subsection 5.5.D.** of this Ordinance.
 - e. Approval of a preliminary application shall not constitute a commitment on the part of the County to approve a final application or a final plat. The requirements of **Subsection 5.5.E.** of this Ordinance shall not apply to approval of a preliminary application.
- 4. Final Application.** Following the Board of Supervisors approval of a preliminary application, the applicant shall have twelve (12) months to submit a final application. The written final application shall be made to the Zoning Administrator and shall include the same information as a preliminary application, as well as meeting all specifications of the preliminary approval and, when land is being subdivided, all requirements for the subdivision final plat. A fee (established by the Board of Supervisors), shall be paid to the Zoning Administrator at the time the application is filed, which the Zoning Administrator shall forthwith pay over to the credit of the general fund of the County.

5. **Review of Final Application.** A final application shall be reviewed according to the procedures for a preliminary application, except that final action by the Board of Supervisors, if approved, must include the passage of an ordinance reclassifying the land in accordance with **Subsection 5.5.E.** of this Ordinance. If the application includes a preliminary plat for the division of land, review and approval of said plat shall follow the Final Platting Procedure set forth in the **Jackson County Subdivision Ordinance** concurrent with the Rezoning procedures in **Section 5.5** of this Ordinance. The County shall have at least ninety (90) days from the date of final application submission to take their final action.
6. **Burden of Proof.** It is expected that most development will occur in the regular zoning districts. In all requests for reclassification to this PUD district the burden of proof shall be fully on the applicant to establish that the proposed development will be more beneficial to the general public than development that is permitted within any of the regular zoning districts.
7. **Recording.** The ordinance creating a specific PUD district shall be recorded concurrently with other relevant documents such as a subdivision plat, covenants, and the approved development plan and/or agreement.
8. **Permits.** The Zoning Administrator shall issue permits only for buildings and uses shown on the approved and recorded final plan, and only in accordance with all specific provisions in the plan and/or agreement.
9. **Amendments.** A proposed amendment to the approved and recorded plan for a PUD district will be subject to all regulations and procedures of an original proposal.
10. **Modification.** The Zoning Commission and the Board of Supervisors may choose to review preliminary and final applications in a single procedure for simple applications or minor amendments. However, at a minimum both the Zoning Commission and the Board of Supervisors must hold a public hearing before taking their final action on the matter.
11. **Fees.** Fees for requests to create or amend a PUD district will be determined by resolution of the Board of Supervisors and may differ from the fees charged for other reclassification requests. If a PUD application includes a preliminary or final plat, fees for plat review in conjunction with a PUD application will be determined by the Board of Supervisors and may differ from the fees charged for other subdivision requests.
12. **Map Designation.** Each such PUD district created shall be designated on the Official Zoning Map as “PUD” and a sequential number (see **Section 1.18** of this Ordinance).