



Elkhart County Planning & Development

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Written Interpretation – PUDs Without Site Plans

Question: What is the proper review process when a Planned Unit Development (PUD) approved without a site plan needs a building permit or requests to vary from the standards of the Zoning Ordinance?

Relevant Code Citations:

ARTICLE 4. NON-CONFORMING USE SPECIFICATIONS .

SECTION 7. Planned Unit Developments adopted prior to December 31, 1996.

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- a. All existing PUDs adopted under the previous PUD Specifications (Specification - I) will continue in effect as adopted. *All PUDs that have lapsed or require consideration of an amendment will be required to comply with Specification -I.*
- b. If for any reason the intent of the previously adopted PUD or the development plan” was not clear the Plan Commission will accept and consider all appeals.

SPECIFICATION I – PLANNED UNIT DEVELOPMENTS

SECTION 13. Major or Minor changes to the Detailed PUD.

- a. No changes shall be made in the approved Detailed PUD during construction of the PUD except as follows:
 1. *Minor changes in the location, bulk, area, and height of buildings and other site improvements may be authorized by the Staff.*
 - (a) *The Staff may refer minor change requests to the Plan Commission with information on the request.*
 2. *Major changes will require an amendment to the Detailed PUD Ordinance.*

Interpretation: Some older PUDs were originally approved without a site plan and, at times, without any written stipulations as part of the approving ordinance. Any proposed change to a property approved as a PUD without a site plan may be approved administratively following the normal procedure to obtain an Improvement Location Permit and a Building Permit. Staff should carefully look at the ordinance that approved the PUD to be sure that the proposed improvement does not conflict with anything in the approving ordinance and to be sure that there are no provisions which state something along the lines of, “Any additions to this PUD require approval from the Board of County Commissioners.”

If an applicant wants to do an improvement on the PUD property that was approved without a site plan, and such improvement does not comply with the standards of the Zoning Ordinance, then he or she must apply for

a Variance. Normally, Variances to PUDs should not take place, they should instead be processed as amendments to the PUD site plan. However, a Variance is the proper process for PUDs approved without a site plan. Alternatively, an applicant could hire a surveyor to create a Detailed PUD site plan with the proposed improvement on the plan. This could be processed as a PUD with a recommendation from the Plan Commission and final decision by the County Commission.

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