

CITY OF FENTON
COMMUNITY DEVELOPMENT DEPARTMENT
625 New Smizer Mill Road
Fenton, MO 63026 (636) 349-8110

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION CHECKLIST

A **complete** application for a Planned Unit Development (PUD) must be received by the Community Development Department no less than thirty (30) days prior to the next Planning and Zoning Commission Meeting in order to be placed on the agenda for consideration. ***Partial or incomplete applications will not be accepted.***

Please review the checklist below to verify that your application is complete before submitting materials to the Community Development Department. *Please check-off below that all items are included in your submittal, and sign at the bottom.*

REQUIRED DOCUMENTS FOR A COMPLETE PLANNED UNIT DEVELOPMENT APPLICATION:

- One (1) Petition for Planned Unit Development: All blanks completed, application signed and notarized.
- One (1) legal property description
- One (1) letter of property owner consent (if you are not the owner), or proof of ownership-under-contract.
- One (1) check for fee payable to 'City of Fenton' (*see attached fee schedule*).
- One (1) Survey Plat/ Site Plan of the property (*see item E on the Petition and the Preliminary Plat Checklist --attached*).
- Twenty-five (25) full-sized copies of all items/plans, plus one 11"x17" or 8½"x11" copy of all items/plans if the full-sized documentation is larger than 11"x17".
- All other items identified on the Preliminary Plat Checklist and in Section 421.050 of the Zoning Code.

NOTE: A pre-application conference with the Community Development Director is encouraged.

I/we (Petitioner) _____ do submit the attached application for a Planned Unit Development for (project name) _____ at (address) _____ and verify that all of the required documents are attached herewith. I understand that in order for my case to be placed on the agenda, all required materials must be received within 30 days of the next scheduled public hearing meeting. *If the application and materials are incomplete or are returned for corrections by the Community Development Director, placement of my case on an agenda will be delayed until such time as all required materials are received within the 30-day requirement.*

Signed: _____

Date: _____

City of Fenton
Community Development Department
625 New Smizer Mill Road
Fenton, MO 63026
(636) 349-8110

PETITION FOR PLANNED UNIT DEVELOPMENT (PUD)

DATE: _____

PETITION NO.: _____

DATE PAID: _____

FEE: _____

I (we), the petitioner(s) _____ am (are) seeking a **Planned Unit Development (PUD)** from the City of Fenton. I understand this petition will be scheduled for a public hearing with the Planning and Zoning Commission of the City of Fenton and a recommendation from this Commission will be made to the Board of Aldermen for a final decision.

I. The petitioner(s) state(s) that the property is:

A. Presently zoned: _____

B. Presently used for: _____

C. Proposed zoning: _____

II. The following information is required to complete this application:

A. Reason this Planned Unit Development (PUD) is being requested: _____

(separate letter may be attached)

B. Describe your legal interest in the property or state the name of the person or firm you are representing. _____

(if Petitioner is not the owner, a letter of legal consent from the property owner is required)

C. Address of property: _____

D. Legal description of property (metes and bounds); attach if necessary: _____

E. A survey or plat of property, drawn to scale of 100 feet or less to the inch, showing nearest street intersection, dimension of property, north point, and showing appropriate angles, bearings, and distances must be attached to this petition. *(See item G on page 2 for quantity).*

F. Size of parcel to the nearest tenth of an acre: _____

G. Return signed and notarized application, fee, and 25 full-sized sets of any plans to the Community Development Department. Please include one 8½"x11" or 11"x17" size plan if the full-sized documentation is larger than 11"x17".

I (we) hereby certify that I (we) have a legal interest in the described property or I (we) am (are) the duly appointed representative(s) of the property owner and that all information given herein is true and a statement of fact. As owner(s) or petitioner(s), I (we) will comply with all requirements and conditions set forth by the City of Fenton's Planning and Zoning Commission and Board of Aldermen.

(Print Name)

(Petitioner's Signature)

Address: _____

Phone: _____

Email: _____

Subscribed and sworn to before me this _____ day of _____ 20_____.

SEAL:

(Notary Public)

My Commission expires: _____.

REMINDER: Applications, all attachments, and fee must be received by the Community Development Department at least **thirty (30) days prior to the next Planning and Zoning Commission Meeting** in order to be placed on the agenda for consideration.

PRELIMINARY PLAT CHECKLIST

PRELIMINARY PLATS SUBMITTED TO THE PLANNING AND ZONING COMMISSION FOR REVIEW AND APPROVAL MUST CONTAIN THE FOLLOWING INFORMATION:

- The name of the subdivision if within an existing subdivision.
- The proposed name of the subdivision if not within a previously platted subdivision. The proposed name of any new subdivision shall not duplicate or closely approximate phonetically the name of any other subdivision within the City of Fenton.
- The tract name if no subdivision name has been chosen.
- A key map on the first sheet if the entire subdivision will not fit on one (1) sheet and match-lines to facilitate the matching of separate sheets.
- Municipal, County, and School District boundaries within two hundred (200) feet.
- If the applicant is not the owner, a statement consenting to the subdivision signed by the owner.
- The location, size and purpose of any existing or proposed easement, right-of-way, or land reserved or dedicated to public use.
- The names, locations and widths of all existing or platted streets or other public ways within and immediately adjacent to the tract.
- Existing covenants or restrictions.
- The names of owners of adjoining property.
- Tract boundary lines and lot lines with accurate dimensions, bearing or deflection angles, radii arcs and central angles of all curves.
- The number of proposed lots shown on each sheet and the dwelling unit density and all applicable setback lines.
- The use of any lot to be used for other than residential purposes.
- Location and name of proposed streets. The maximum grade of all streets shall be shown on the drawings or verified on a written form.
- Existing and proposed location of all storm and sanitary sewers within and immediately adjacent to the site.
- Proposals for connection to an adequate public water supply and sanitary sewer systems or other means of providing water and sewage disposal.
- Proposals for collecting and discharging surface water drainage including location of all detention facilities.
- The number, size, and type of trees to be planted in the subdivision.
- All existing buildings within one hundred (100) feet of the property.

IMPORTANT NOTICE

Petitions for Public Hearing

- The Planning and Zoning Commission holds a public hearing on the first Tuesday of every month, 7:00 p.m., at the City of Fenton City Hall, 625 New Smizer Mill Road.
- Prior to the public hearing, the City must have your completed application and other documents delivered to the Community Development Department thirty (30) days in advance of the Commission's next meeting date to post the required public notice. Staff will determine whether the petition will be on the Planning and Zoning Commission agenda for the following meeting.
- Your attendance at the Planning and Zoning Commission meeting is mandatory. Failure to appear will result in a Commission recommendation to continue or deny your request.
- The Planning and Zoning Commission will make their recommendation for approval or denial of your petition to the Board of Aldermen, which meets the fourth Thursday of every month.
- The Board of Aldermen will have final approval or denial of the petition. Three readings by the Board of Aldermen are required for final approval. If your petition is approved, it will be read two times at one meeting by title only; and the third reading will occur at the next monthly Board of Aldermen meeting. *(It is possible to receive all three readings on the same night.)*

If you have any questions, please do not hesitate to call the Community Development Department at (636) 349-8110.

CHAPTER 421: PLANNED UNIT DEVELOPMENT

Editor's Note--Ordinance no. 3001 §1, adopted December 23, 2008, repealed title IV in its entirety. See editor's note at beginning of title IV.

SECTION 421.010: SCOPE OF PROVISIONS

This Chapter contains the regulations of the planned unit development procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Title which are incorporated as part of this Chapter by reference. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.020: STATEMENT OF INTENT/PURPOSE

The intent of this Chapter is to provide a voluntary and alternate zoning procedure in the "R-1", "R-2" and "R-3" Residential Zone Districts and the "OT-1" Olde Towne Historic Zone District in order to permit flexibility in building types and arrangements that would not be possible under the strict application of the zoning district; encourage a creative approach to the use of land and related physical facilities that results in better development and design to preserve existing site topography, major tree cover and natural water features on and adjacent to the development to the extent reasonably possible; and contribute to enhancement of the City's urban design, with particular attention to adaptation to abutting neighborhoods and roadway systems under conditions of approved site and development plans. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.030: APPLICABLE ZONING DISTRICTS

The planned unit development procedure may be utilized for developments containing not less than seven (7) acres in the "R-1", "R-2" and "R-3" Residential Zone Districts and not less than four (4) units in the "OT-1" Olde Towne Historic District. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.040: AUTHORIZED DEVELOPMENTS AND LIMITATIONS

The planned unit development procedure may authorize the following development types and standards.

1. Any use permitted in the zoning district within which the planned unit development lies, however, attached single-family homes with no more than two (2) units per structure may be approved in the "R-2" and "R-3" zoning districts or more than four (4) units in the "OT-1" zoning district.
2. Any use allowed by special use permit in the zoning district within which the planned unit development lies provided a special use permit is issued.
3. Lot area, yard setback and height requirements shall be as established in the ordinance authorizing the planned unit development with the following restrictions:
 - a. Setbacks along boundary lines of a planned unit development and off-street parking requirements applicable in any district shall in no event be diminished by the Planning and Zoning Commission. Said setbacks shall apply to all lots contiguous with or within fifty (50) feet of the boundary line of the development. For planned unit developments within the "R-2" or "R-3" residential districts, a landscape buffer of not less than

thirty (30) feet in depth shall be provided adjacent to all abutting residentially zoned property, wherein lots do not comply with the minimum size of the underlying district. The Planning and Zoning Commission may require that open parking spaces be depressed below the grade of the remainder of the property or screened by walls, fences or plant material or by both methods in order to preserve and complement the general character of any existing developments on adjacent properties.

b. Primary access shall be from roads and walkways within the development and the uses shall be oriented to and coordinated with the total development.

4. The planned unit development shall not contain more units than would be permitted under the regulations of the residential zone district in which this development is allowed; however in no case shall the minimum lot size in the "R-1" be less than twenty thousand (20,000) square feet; in the "R-2" less than ten thousand (10,000) square feet; in the "R-3" less than seven thousand five hundred (7,500) square feet or less than six thousand (6,000) square feet in the "OT-1" Olde Towne Historic District.

a. The maximum number of lots or units allowable in residential districts shall be calculated by dividing the net area of the development by the minimum lot area requirement for a residential unit of the zone district in which the subdivision is located. The net area is the gross area of the development minus the following:

(1) Land within special flood hazard areas inundated by a 100-year flood (i.e., plain and floodway Zones "A", "AE", "AH", "AO", "A99") as determined by the Federal Emergency Management Agency.

(2) All public or private street right-of-way.

(3) Area for detention areas as measured ten (10) feet back from the high water elevation for any detention basin.

b. The maximum number of lots within the "OT-1" zone district shall be dependent on each lot containing not less than six thousand (6,000) square feet, exclusive of land area included within above items (4)(a)(1), (2) or (3). (Ord. No. 3001 §1, 12-23-08)

SECTION 421.050: PLANNED UNIT DEVELOPMENT PROCEDURES

Procedures for filing, review and approval of the planned unit development procedure shall be made on forms provided by the City and shall be accompanied by the required plats and documents as follows:

1. Pre-application procedures. Prior to filing an application for an approval of a planned unit development, the developer may request an informal meeting with the Director, City Administrator and other City Officials as appropriate to discuss the proposed development.

The pre-application conference is not mandatory and does not require formal application, fees or filing of a planned unit development plat. The items to be discussed may include the following:

- a. General site information. Data regarding site conditions, land characteristics, available community facilities and utilities, existing covenants and other related general information about surrounding land uses.
 - b. Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, major streets, lots and other features as they relate to the City.
 - c. Legal description. A property survey and legal description of the site proposed for development.
2. Preliminary plat procedures. Application for a planned unit development for a specific tract of land shall be initiated by the filing of a verified application by the owner or owners of record, or owners under contract of a lot or tract of land or their authorized representatives. Application shall be addressed to the City of Fenton Planning and Zoning Commission and submitted to the Community Development Department upon forms prescribed for such purpose and accompanied by the following:
 - a. Fees include change of zoning and subdivision review per requirements of Addendum "A", Fees.
 - b. Copies of the proposed plat in the quantities required shall be submitted including the details and supporting information listed in Section 480.060(E) of the City of Fenton subdivision ordinance and shall also include the following:
 - (1) The name, address, seal and signature of the preparer of the plat.
 - (2) The locator number, zoning, acreage, graphic scale, north arrow, location and date.
 - (3) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum.
 - (4) The location of all watercourses including lakes and ponds within two hundred (200) feet including the 100-year floodplain and the floodway where applicable.
 - (5) The location of existing and proposed water lines, sanitary sewer lines and stormwater drainage lines and structures, gas, electric, cable, telephone and other utility connections.
3. Preliminary plat public hearing. A public hearing on the petition shall be held by the Planning and Zoning Commission in the same manner and with the same public notice procedures as required for the change of zoning (Section 420.040) and preliminary plat requirements (Section 480.060(D)(2)) and landscaping requirements (Section 445.020) of the Fenton Municipal Code. The public hearing shall be held within sixty (60) days of verification that the application meets the minimum application requirements as determined by the Director.
4. Recommendation of the Planning and Zoning Commission. Following the aforesaid public hearing and review of the preliminary planned unit development plat and supporting data for conformity with these regulations, the Planning and Zoning Commission shall, within sixty (60) days, recommend approval,

modification or disapproval of the proposal. The recommendations shall state the reasons underlying their decision and a report documenting the findings shall be issued on behalf of the Planning and Zoning Commission by the Director. The Planning and Zoning Commission's recommendation shall be based upon whether the planned unit development proposal is:

- a. Consistent with good general planning practice and with good site planning;
- b. Can be constructed and operated in a manner that is not detrimental to the permitted uses in the district;
- c. Would be visually compatible with the uses within the surrounding area; and
- d. Is deemed desirable to promote the general health, safety and welfare of the City of Fenton.

The Planning and Zoning Commission shall also consider the architectural, landscape and other relationships which may exist between the proposed development and the character of the surrounding neighborhood and shall prescribe and require such physical treatment such as screening, buffers or other features as will, in its opinion, enhance the neighborhood character.

5. Board of Aldermen action on the preliminary plat.

a. The Director shall write a recommendation on behalf of the Planning and Zoning Commission to the Mayor and Board of Aldermen based upon the review of the preliminary plans and supporting documents filed with the plans. The report shall include the recommendation including any conditions of approval or reasons for denial. The Board of Aldermen may uphold or reverse the decision of the Planning and Zoning Commission.

b. The Mayor and Board of Aldermen, after receipt of the preliminary plat and recommendation from the Planning and Zoning Commission, shall, within sixty (60) days, approve or disapprove the preliminary plat and, if approved, shall pass an ordinance authorizing the planned unit development. Said ordinance shall authorize the development and outline the parameters and conditions allowing the development. In case of disapproval the Commission shall communicate its reasons to the Board of Aldermen, and the Board, by vote of not less than two-thirds (2/3) of its entire membership, may overrule the disapproval and, upon the overruling, the Board or the appropriate board or officer may proceed, except that if the public facility or utility is one the authorization or financing of which does not fall within the province of the Board, then the submission to the Commission shall be by the Board having jurisdiction, and the Commission's disapproval may be overruled by that Board by a vote of not less than two-thirds (2/3) of its entire membership.

6. Effect of the preliminary plat approval.

a. Approval of a preliminary plat for a planned unit development shall not constitute approval of the final plat. Rather, it shall be deemed an expression of approval of the layout submitted on the preliminary plat

as a guide to the preparation of the final plat, or if development is to be staged, of the first (1st) stage of the final plat.

b. The developer shall submit the final plat within one (1) year after approval of the preliminary plat for approval by the City and subsequent recording upon fulfillment of the requirements of these regulations and conditions of the preliminary plat approval. The final plat shall be approved as the final land use if it conforms to the preliminary plat and corresponding ordinance. The preliminary plat and final plat may be filed and approved simultaneously if all requirements hereof are met.

c. Preliminary plat approval does not constitute acceptance of roads or other land or facilities to be dedicated nor can building permits be issued for any structure. In general, preliminary plat approval shall conform to the requirements of Section 480.060(D)(3). (Ord. No. 3001 §1, 12-23-08)

SECTION 421.060: SITE IMPROVEMENT PLANS

A. Improvement plans are to be submitted to the Director for review and conformance with the approved preliminary plat. Construction plans for the planned unit development shall be at a scale of one (1) inch equals fifty (50) feet on sheets the same size as the plat with the following information:

1. Profiles of centerline elevations of existing and proposed roads; approximate radii of all curves, lengths of tangents and central angles of all streets;
2. Plans and profiles showing the locations and typical cross sections of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, fire hydrants, manholes and catch basins; the location, size and invert elevations of existing and proposed stormwater drains and sanitary sewers including connections to existing or proposed systems; and the location and size of water lines, gas lines or other underground utilities, detention basin location, size and hydraulic calculations and site distance calculations for all entrance and exit roads;
3. A site grading, explosive removal and erosion control plan;
4. The above improvement plan shall be accompanied by appropriate hydraulic cut and fill calculations and soil reports including depth of rock; and
5. A soil report will be issued addressing soil conditions at the site and corrective measures to be implemented for development and roadway construction.

B. The plans shall be retained on file by the Community Development Department. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.070: FINAL PLAT PROCEDURES

A. Final Plat Procedure.

1. The purpose of the final plat is to designate with particularity the land subdivided into conventional lots as well as the division of other lands, not so subdivided, into common open areas and building sites. The preliminary plat shall generally locate buildings, whereas the final plat shall show the exact

location of each building. Thus, the final planned unit development plat and, if the development is to be staged, all staged final development plans shall conform substantially to the preliminary plat as approved.

2. The final plat is to provide a final record of the subdivision of land and related improvements including all of the information on the approved preliminary plat such as streets, water lines and sanitary and storm sewers and incorporation of any subsequent changes approved by the City. Final plat approval may only be requested after compliance with Sections 480.060(G) and (H) of the Fenton Municipal Code.

3. Applications for approval of the final plat may be submitted in stages, with each stage reflecting a portion of the approved preliminary plat which is proposed to be recorded and developed; provided however, that such portion must conform to all requirements of these regulations. The procedures for filing, review and approval of the final planned unit development plat shall be made on forms provided by the Community Development Department.

4. The final plat and supporting documentation shall be submitted to the Community Development Department for certification that the final plat is in conformity with these regulations and in agreement with the approved preliminary plat. The report of the Director shall be made to the Planning and Zoning Commission and Mayor and Board of Aldermen within thirty (30) days after submission by the developer.

B. Recording.

1. Upon approval of the final plat by the Board of Aldermen, the owner(s) shall, within sixty (60) days of the approval date, record the plan with the St. Louis County Recorder of Deeds as a planned unit development. Failure to record the final plat within the time specified shall cause the approval to expire. An extension of recording time may be granted by the Director for a period not to exceed thirty (30) days from the date of approval by the Board of Aldermen if notified by the owner/representative fourteen (14) days in advance of the expiration date. The Director may grant up to two (2) extension periods totaling no more than sixty (60) additional days in which to record the plan.

2. Part of the recording requirement shall include in each warranty deed or conveying instrument a permanent lot size or language further restricting resubdivision of individual parcels. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.080: CHANGES IN APPROVED PLANNED UNIT DEVELOPMENTS

The planned unit development project shall be developed only according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the planned unit development project as set forth therein. All changes to the final plat shall be recorded with the St. Louis County Recorder of Deeds as amendments to the final plat or reflected in the recording of a new corrected final plat.

1. Major changes. Changes which alter the concept or intent of the planned unit development, including increases in density, increases in the height of buildings, of proposed open space. Changes in the sequence of development, changes in road standards or changes in the final governing agreements, provisions or covenants may be approved by submission of a new preliminary plat and supporting data and following the "preliminary approval" steps and subsequent amendment to the final planned unit development plat.
2. Minor changes. The Director may approve minor changes in the planned unit development which do not change the concept or intent of the development without going through the "preliminary approval" steps. "Minor changes" are defined as any change not defined as a major change. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.090: FAILURE TO SUBMIT FINAL PLAT OR CONSTRUCTION ON SCHEDULE

- A. The Mayor and Board of Aldermen shall consider the planned unit development subject to revocation if substantial construction fails to commence within one (1) year of filing of the final plat or construction is not completed within five (5) years from approval of the final plat. The developer shall be notified in writing at least sixty (60) days prior to any revocation hearing.
- B. The Mayor and Board of Aldermen may grant an extension to commence construction for not more than one (1) additional year. As used in this Chapter, "substantial construction" shall mean final grading for roadways necessary for first (1st) approved plat or phase of construction and commencement of installation of sanitary and storm sewers.
- C. In the event the final plat is not submitted or substantial construction has not commenced within the prescribed time limits, the planned unit development shall terminate and the Planning and Zoning Commission shall within forty-five (45) days recommend initiation of a new public hearing to revert the property to its prior classification in accord with the proceedings specified in Section 420.040. Where rezoning has been granted in conjunction with a planned unit development and said planned unit development has terminated, no building permit shall be issued on that property in accord with the provisions of the above-noted Section. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.100: DEDICATIONS FOR PUBLIC SCHOOLS AND PUBLIC PARKS

A planned unit development may include land designated for public school or public park use, which land may be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, provided that:

1. The area of the proposed planned unit development is at least thirty (30) acres in the case of a public school dedication and sixty (60) acres in the case of a public park dedication.
2. No tract of less than five (5) acres is designated for dedication for public school use or ten (10) acres for public park use. However, a tract of land less than

this minimum may be accepted for dedication for public school or public park use if it is an addition to an existing or proposed park or school site respectively or is recommended by the Department of Parks and Recreation as part of a system of hiking and riding trails.

3. The proposed school site is compatible with a generalized plan for school locations published by the school district.

4. Prior to approval by the Board of Aldermen of a final plat indicating a public park or public school site, a written statement shall be received from the Department of Parks and Recreation recommending approval of the proposed park dedication; or a written notification shall be received from the school district that the school district has agreed to accept the public school site dedication.

5. Prior to approval of a final plat, a written agreement between the petitioner and the school district shall be submitted to the Board of Aldermen for review. The agreement shall indicate who is responsible for the installation of required improvements adjacent to or affecting the school site and when the improvements will be installed.

6. The proposed site is dedicated to a public school or public park use in a manner approved by the Board of Aldermen as to the legal form prior to recording of the final plat.

7. The final plat identifies the boundaries of the dedicated tract within the planned unit development.

8. The deed of dedication for public park or public school use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land. The trust indenture required in the next Section (Section 421.110) shall provide for the manner in which the common land shall be treated, so that the provisions of Chapter 440 of the Zoning Code are complied with. (Ord. No. 3001 §1, 12-23-08)

SECTION 421.110: TRUST INDENTURES AND WARRANTY DEEDS

In developments where common areas, which may include open spaces, recreational areas or other common grounds, are provided on the acreage or which is included in the gross acreage for density calculation purposes, a trust indenture shall be recorded simultaneously with the record plat. The indenture shall provide for the proper and continuous maintenance and supervision of said common land by trustees to be selected and to act in accordance with the terms of such indenture and the common land shall be deeded to the trustees under said indenture by general warranty deed. The trust indenture and warranty deed shall comply with the requirements established in Chapter 440 Subdivision Indentures. In addition, the trust indenture shall contain the following provisions:

1. The common areas, including open spaces, recreational areas or other common grounds, shall be for the sole benefit, use and enjoyment of the lot or unit owners, present and future, of the entire planned unit development or that the common areas may also be used by residents outside the planned unit development. If residents outside the planned unit development are permitted to

use the common areas, the indenture shall contain provisions which shall provide, in essence, the following:

a. No resident of the planned unit development shall be denied the use of the open space, recreational facilities or other common ground for any reason related to the extension of such privilege to non-residents of the planned unit development.

b. All rules and regulations promulgated pursuant to the indenture with respect to residents of the planned unit development shall be applied equally to the residents.

c. All rules and regulations promulgated pursuant to the indenture with respect to non-residents of the planned unit development shall be applied equally to the non-residents.

d. At any time after the recording of the indenture, a majority of the residents of the planned unit development, by election duly called, may elect to allow or disallow usage of the open space, recreational facilities or other common grounds by non-residents of the planned unit development.

2. The indenture shall contain provisions for the maintenance of all common areas and facilities and the means of collecting assessments necessary for the maintenance thereof. (Ord. No. 3001 §1, 12-23-08)

Fees for Planned Unit Development (PUD) Applications

Fees for Planned Unit Development (PUD) Applications shall be as follows:

One (1) to seven (7) lots: \$200.00 for the first lot, plus \$100.00 for each additional lot;

Each additional lot in
excess of seven (7) lots: \$90.00 per lot