

# Unified Control

What does it mean to the process of amending a Planned Unit Development (PUD)?

# Previous Code Language

- All land in a PUD shall be under the control of the applicant, whether that applicant is an individual, partnership or corporation or a group of individuals, partnerships or corporations. The applicant shall present firm evidence of the unified control of the entire area within the proposed PUD. The applicant shall, by written, signed and notarized document, agree to:
  - 1) Proceed with the proposed development according to the provisions of this chapter and such conditions as may be set forth as a condition of approval for the development;
  - 2) Provide agreements, contracts, deed restrictions and sureties acceptable to city council for completion of the development according to the provisions and plans approved at the time of acceptance of the area for a PUD, and for continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at public expense;
  - 3) Bind successors in title to any commitments made under subsections 1 and 2 of this subsection.
- All such agreements and evidence of unified control shall be examined by the city attorney, and no PUD shall be adopted without a certification by the city attorney that such agreements and evidence of unified control meet the requirements of this chapter.

# Amending a PUD

- Amendments Are Necessary
  - Changes in market conditions
  - Field conditions
  - Duration of build-out
- Minor Changes
  - Relocation of signs or utilities
  - Reshaping of ponds
  - Lot dimension changes
- Major Changes
  - Changes in designated land use areas
  - Reduction of open space

ENTIRE

REZONE THE PUD?

**Does unified control have to be re-established and, if so, how?**

- Two Options Failed
  - Approval by all applicable HOA's
  - 100% of all property owners

# The real question is how to amend a PUD?

- Potential Alternatives for Major Amendments
  - Consistent with the previous LDRs. Any amendment, anytime through a public hearing.
  - A full rezoning of the PUD with some percentage of property owner's concurrence.
  - For some allowable timeframe and restricted to specific areas of the PUD.
  - The existence of a person or entity that has control and decision-making powers over the PUD.

# DISCUSSION

