

CHAPTER 1159

PUD Planned Unit Development District

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CROSS REFERENCES

Zoning applies to housing projects - see Ohio R.C. 3735.44
Referral of zoning permit applications to Director of Transportation - see Ohio R.C. 5511.01
Off-street parking and loading - see P.& Z. Ch. 1183
Site plan review - see P.& Z. 1187.09
Access to major thoroughfare or collector street - see P.& Z. 1187.11

1159.01 INTENT.

The R-PUD Planned Unit Development District is designed to provide a planned integrated development of at least eight acres in which certain regulations may be modified somewhat to achieve particular design objectives and the economical provisions of open space and utilities and to comply with other pertinent requirements of this District. It is the intent of this chapter to permit the application of modern planning techniques in the development of land providing:

- (a) A wide variety of housing types and other principal and accessory uses including recreational and community facilities and, under certain specified conditions, local business and office uses.
- (b) Flexibility of architectural design.
- (c) The clustering of single and multiple-family dwelling units so that large areas of land can be left in open space.
- (d) The full and efficient utilization of all the land only to its capabilities by providing for the location of buildings and facilities to coincide with the terrain and other natural features.
- (e) Less extensive and more economical street lengths due to clustering of the dwelling units.
- (f) Less extensive and more economical extension of water, sewer and other facilities.
- (g) The preservation of geological, vegetational, scenic and other esthetic features of the land.
- (h) An attractive option to encourage the efficient and comprehensive community development of an area or neighborhood.

(Ord. 14-1975. Passed 3-17-75.)

1159.02 PERMITTED USES.

Uses permitted in a planned unit development may include and shall be limited to:

- (a) Dwelling units in detached, semi-detached, attached, or multi-family structures, or any combination thereof.
- (b) Nonresidential uses of a cultural or recreational character to the extent that they are designed to serve primarily the residents of the PUD, are compatible and are harmoniously incorporated into the total design of the PUD
- (c) Parking structures, B-1 Local Business Uses and O-1 Office Uses, subject to the approval of the Planning Commission and to the following special conditions:
 - (1) The Planned Unit Development must contain more than fifty acres.
 - (2) Not more than five percent (5%) of the District may be devoted to these uses.
 - (3) These uses must be developed proportionally to the total development.
 - (4) Feasibility must be demonstrated.
 - (5) These uses are further subject to the requirements of their respective B-1 or O-1 use districts as specified in the Zoning Ordinance. (Ord. 14-1975. Passed 3-17-75.)

1159.03 DISTRICT REQUIREMENTS.

The Planned Unit Development shall be constructed according to a formally approved Development Plan subject to the following District requirements:

- (a) A Planned Unit Development shall contain a minimum of eight contiguous acres which shall not be divided into parts:
 - (1) By any State or Federal limited access highway, or
 - (2) By any large area of land or structures not included in the proposed development, or
 - (3) By any railroad rights of way, or
 - (4) By any other physical feature that tends to make distinct and separate any one area from another.

The existence of public or private streets or highways, other than limited access highways, electrical transmission lines, or other right of way (in fee or easement) within any area shall not be considered as "any large area of land not included" when determining if an area is contiguous.

- (b) Water and sewer facilities shall be approved by the City Engineer prior to start of construction.
- (c) The housing density shall be defined as dwelling units per net project area. Net project area is defined as the total project area minus the required open space or as seventy percent (70%) of the total project area. The housing density shall not exceed the following:
 - (1) Single-family dwelling units: six per acre.
 - (2) Two-family dwelling units: ten per acre.
 - (3) Multiple family dwelling units in structures of two and one-half stories or less:
51.8 rooms per acre.
-or-
25.9 one bedroom units per acre
17.3 two bedroom units per acre

13.0 three bedroom units per acre
10.3 four bedroom units per acre
or any combination thereof as calculated by the formula:
rooms = net project area in square feet

For a further explanation of the use of the term "room", refer to Section 1177.01 (d).

(4) Multiple family structures of over two and one-half stories are not permitted in an R-PUD District without the specific approval of the Planning Commission.

These densities may be varied by the Planning Commission through consideration of the location, proposed land uses, topography, architectural design and other factors aimed at increasing the amenity of a PUD. However district requirements and design standards which normally must be met shall not be considered sufficient to grant a density increase.

(d) Residential units within a PUD may be clustered subject to the following conditions.

(1) Permanent, legal and binding access by easement or by dedication from a public street to each lot or dwelling unit for pedestrian and vehicular traffic.

(2) Adequate and permanent off-street parking areas for each lot or dwelling unit in accordance with Sections 1183.01 and 1183.02.

(3) Access from each lot or dwelling unit to be designated open space areas within the PUD.

(4) Lot sizes and/or building spacing requirements to be reviewed by the Planning Commission.

(e) Thirty percent (30%) of the gross acreage of the PUD must be devoted to open space designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Open space may be owned and maintained in common by all PUD residents and reserved primarily for their use, or the open space may be dedicated in fee to the local governing body or one of its agencies and operated and maintained by it. (See Section 1159.04(e)). No individual, non-contiguous segment of open space shall be less than 2.5 acres. The buildings, structures and improvements to be permitted in the open space must be appropriate to the uses which are authorized for the open space and must conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.

This open space requirement shall not be satisfied by the following:

(1) Proposed street rights-of-way, open parking areas and driveways.

(2) Private open space, which shall be defined as the land owned and maintained by the resident of an individual dwelling unit and reserved exclusively for his use.

(f) All arterial and collector streets within the boundaries of a PUD shall be dedicated streets and shall be subject to the design standards set forth in the Subdivision Regulations. Local streets and cul-de-sacs may be either private or dedicated and may vary and be modified from these design standards as is deemed appropriate by the Planning Commission. Right-of-way width and street roadway width for private streets may be reduced as deemed appropriate by the Planning Commission especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities. The terms arterial street, collector street, local street and cul-de-sac are used as defined in the Subdivision Regulations.

(g) Building setbacks from arterial and collector streets shall conform to the appropriate setback requirements in Section 1177.01. Building setbacks from local streets and cul-de-sacs may vary from these requirements in order to provide a better use of the natural contour of the land; to strike a balance between structures, streets and open spaces; to depart from street uniformity, and to allow landscaping and architecture.

(h) No structure shall exceed the height regulations of the applicable provision of Section 1177.01.

(i) Single, attached or detached dwelling units shall contain a minimum square footage of 600 square feet exclusive of patios, carports, garages and covered porches. Minimum square footage for multi-family dwelling units is found in Section 1177.01.

(j) Fences, walls or planting screens shall be provided at the perimeter of the development where necessary to screen improvements, uses or other influences having an adverse impact either on the development or on adjacent property. When required, landscaping shall be sufficient to reduce the harshness of bare structures and streets. Planting material shall be of a kind and size to assure both an immediate atmosphere and a permanent survival. Soil and water control facilities shall be of a kind for adequate control. See Sections 1187.02, 1187.07 and 1187.08.

(Ord. 14-1975. Passed 3-17-75.)

1159.04 APPLICATION AND REVIEW PROCESS.

This section describes the procedures to be followed in making application for a Planned Unit Development District and in reviewing such development plans as required by this section.

(a) Before filing any application for a Planned Unit Development, the prospective applicant shall submit to the Site Plan Review Committee a description of his development intentions, including sketches and basic site information, for consideration and advice as to the relation of his intentions to general developmental objectives to be attained in the area and as to the policies of the Planning Commission and Council with references thereto, for the purpose of speeding up the ensuing review process.

(b) Application for a Planned Unit Development District shall be made in the following manner:

(1) An "Application for Zoning Change" shall be completed by the prospective applicant and filed with the Director of Community Development for review by the Planning Commission.

(2) Ten copies of the "Preliminary Development Plan" shall also accompany the Application for Zoning Change. The Preliminary Development Plan shall contain the following data:

A. Written documents.

1. A legal description of the total site proposed for development.

2. Title Insurance Policy (for Attorney's Certificate) showing the ownership of the subject property, marketable title in such ownership, the source of the applicant's title or interest, and the

record of the latest instrument in the claim of title for each parcel constituting the tract. Property under legal option to the applicant will also constitute an acceptable tract provided the applicant has the notarized approval of the owner. The rezoning of the tract to R-PUD will not take effect until ownership of the land is actually transferred to the applicant.

3. The names and addresses of all owners of property lying within 200 feet of any part of the proposed PUD-district.

4. A statement of planning objectives to be achieved by the PUD and a statement showing the relationship of the PUD to the Future Land Use Plan of the City and paying particular attention to the need and feasibility of housing, business, office, recreation and community facilities; how the proposed district will alleviate the need for additional developed recreational and open space in the neighborhood; how traffic will be served and congestion restrained; and how access, convenience and safety will equal or exceed the City's requirements.

5. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed.

6. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, etc.

7. Quantative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate residential densities by dwelling unit type; total amount of open space; including a separate figure for usable open space; total amount of nonresidential construction; including a separate figure for commercial or institutional facilities.

B. Site Plan and Supporting Maps. A site plan and any maps to show the major details of the proposed PUD must contain the following minimum information:

1. A vicinity map at a scale of not more than 600 feet to the inch to show all existing subdivisions, streets and tract lines of out lots over five acres and zoning of area immediately adjoining the proposed PUD.

2. A topographic map with contours of not more than five feet if ground slope is in excess of four percent (4%) and two feet if ground slope is less than four percent (4%) and a scale of 1" = 50' horizontal.

3. The existing site conditions including water courses, flood plains, unique natural features and forest cover. Also any subsurface conditions that are not typical, such as abandoned mines, if this data is known and available.

4. Proposed lot lines including the estimated area of irregularly shaped lots.

5. Proposed location of all residential structures including type of dwelling unit, floor area size, maximum heights, number of floors and propose setbacks.

6. Proposed location of all nonresidential land uses including recreational, cultural and commercial facilities and structures, as well as the proposed floor area size, maximum heights, number of floors and street setbacks.

7. The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way, including major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate.

8. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

9. The existing and proposed utility system, including sanitary sewers, storm sewers and water, electric, gas and telephone lines.

10. The location and size in acres of square feet of all areas to be conveyed, dedicated or reserved as common open spaces, public parks, recreational areas, and other similar public and semi-public uses.

11. A general landscape plan indicating the treatment of materials used for private and common open spaces.

12. A grading plan showing the proposed change of topography. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction in order to insure preservation and prevent despoilation of the character of the area to be retained as common open space.

13. The proposed treatment of the perimeter of the PUD including materials and techniques used such as screens, fences and walls.

(c) Before granting approval of the Preliminary Development Plan, the Planning Commission must determine, on the basis of appropriate and adequately documented data submitted by the applicant and by appropriate sources, that the developer possesses the qualifications and financial resources to acquire and develop the land in accordance with the requirements incorporated herein. Adequately documented data includes information from banks and other sources itemizing assets, liabilities, and net worth, plus at least one credit report from a reliable credit reporting agency.

(d) Upon determination by the Planning Commission that both the Application and the Preliminary Development Plan meet all requirements incorporated herein, the Commission will transmit its recommendation to Council. If and when Council determines that the requirements have been met, Council shall establish the R-PUD District.

(e) The Final Development Plan of the R-PUD District shall be submitted within one year after establishment of the R-PUD District; otherwise all previous approvals shall be deemed to be revoked and that portion of the area included in the development plan for which final approval has not been given shall be subject to the zoning and subdivision regulations

otherwise applicable thereto. The Final Development Plan shall contain all of the information required for the Preliminary Development Plan in its finalized, detailed form. This includes site plans sufficient for recording the engineering drawings. All schematic plans presented in the Preliminary Development Plan, such as a landscape plan, must be presented in their detailed form. Any final plats or public dedication documents must also be submitted. Engineering drawings of cross sections, street standards and utilities shall show the approval of the City Engineer. The Final Development Plan shall be deemed in substantial compliance with the Preliminary Development Plan, provided modification by the applicant does not involve a change of one or more of the following:

- (1) Violate provisions of this chapter.
- (2) Vary the lot areas by more than ten percent (10%).
- (3) Involve a reduction of more than ten percent (10%) of the area reserved for common open space and/or usable open space.
- (4) Increase the floor area proposed for nonresidential use by more than ten percent (10%).
- (5) Increase the total ground area covered by buildings by more than ten percent (10%).

The aforementioned modifications are acceptable provided the density and open space requirements as incorporated in the Zoning Ordinance are adhered to.

(f) The Planning Commission, when reviewing the Final Development Plan, shall consider for approval all areas designated as common open space. Such approval shall be subject to the submission of a legal instrument or instruments setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and communally owned facilities. No such instrument shall be acceptable until approved by the Law Director as to legal form and effect, and by the Planning Commission as to suitability for the proposed use of open spaces. Alternate arrangements for the ownership, management and continued integrity of the common open space including the following:

(1) By agreement with the Municipality, the developer may dedicate the common open space to a special service district established for the PUD on the basis of which the Municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the PUD. The manner of assessing such cost to individual properties shall be determined prior to the approval of the Final Development Plan and shall be included in the title of each property.

(2) The common open space can be deeded to a Homeowners' Association, in which case the developer shall file a declaration of covenants and restrictions that will govern the Association. Such declaration shall be submitted with the Final Development Plan for review and approval by the Planning Commission, such approval to be based on a written opinion from the Law Director.

A. If the common space is conveyed to the Homeowners' Association, either one of the following methods of insuring the continued integrity of the common open space must be provided:

1. The legal right to develop the common open space for the uses not specified in the Final Development Plan must be conveyed to a local public agency.
2. The restrictions governing the use, improvement and maintenance of the common open space must be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in a public agency in the event of a substantial default in the stated condition.

B. If the common open space is conveyed to a Homeowners' Association, the covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provisions according to the following:

When the Planning Commission determines that the public interest requires assurance as to the adequate maintenance of common open space areas, it will so advise Council who may require that the covenants creating such organization shall provide that in the event the organization established to own and maintain common open space, or any successor, fail to maintain the space in reasonable order and condition in accordance with the development plan, the City may serve notice upon such organization that such deficiencies be corrected within thirty days, or any reasonable extension, thereof. Then, in order to preserve the taxable values and any City owned utilities in the neighborhood and to prevent the common open space from becoming a public nuisance, the City may enter upon such common open space and correct the deficiencies and charge therefore. The covenants creating such organization shall further provide that the cost of such maintenance by the City shall be assessed ratably against the properties within the development, and shall become a charge of the properties, and such charge on the properties shall be payable as provided by law.

(g) The Planning Commission may require a performance bond be furnished and filed with the City Engineer for private improvements. An escrow agreement and account approved by the Law Director as to form and content and by the Planning Commission shall be required in the amount of one hundred twenty-five percent (125%) of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Project Engineer and by the City acting through the Director of Public Works. Such escrow shall accompany the request for final approval to insure completion of all public site improvement, landscaping, planting and screening.

(h) Upon determination by the Planning Commission that the Final Development Plan meets all requirements incorporated herein, the Commission will transmit its recommendations to Council for review and approval by Council.

(i) At the time an Application for Rezoning and a Preliminary Development Plan are filed with the Director of Community Development and at the time a Final Development Plan is filed with the Director of Community Development, such fees will be paid as established by Council by Resolution. Such fees will be credited to the General Fund.

(Ord. 14-1975. Passed 3-17-75.)

1159.05 AMENDMENTS TO FINAL PLAN; CONSTRUCTION PROGRESS.

The provisions of this section deal with amendments to the Final Development Plan and local review of construction progress.

(a) Minor changes in an approved Final Development Plan concerning the location, siting, or character of buildings and structures may be authorized by the Site Plan Review Committee, if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change authorized by the Site Plan Review Committee under this section may increase the size of a building or structure by more than ten percent (10%), nor change the location of any building or structure by more than ten feet in any direction; provided, notwithstanding anything in the foregoing, the Site Plan Review Committee may not permit changes beyond the minimum or maximum requirements set forth in this chapter; all other changes in the R-PUD District including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of an R-PUD District.

(b) A time period of one year beginning with the official approval of the Final Development Plan shall be granted for commencement of construction. Failure to begin substantial construction within this one year period shall void the Plan as approved. If for any reason the Plan is abandoned, or if construction is terminated at any stage, Council may rescind its approval of the PUD upon recommendation of the Planning Commission, and the entire tract shall revert to a District (or Zone) consistent with the Comprehensive or Land Use Plan.

Application for extension of time shall be made to the Planning Commission and shall be accompanied by such evidence as is necessary to show substantial need and shall be presented prior to the one year expiration date. Where the Commission finds an extension is warranted and so recommends to Council, Council may, by resolution, grant the extension.

(c) The applicant must begin and substantially complete the development of the PUD within the time limit set forth on the Development Plan starting from the time of its final approval. Extensions may be granted by Council upon the showing of good cause, similar to the procedure found in subsection (b) hereof. After general construction commences, the Planning Department shall review, at least once every six months, all building permits issued and compare them to the overall development phasing program. If he determines that the rate of construction of residential units or nonresidential structures substantially differs from the phasing program, he shall notify the developer and Building Inspector in writing; thereafter the Building Inspector may issue such orders to the developer as he sees fit, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved. (Ord. 14-1975. Passed 3-17-75.)