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CHAPTER 1145
Planned Unit Development

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CROSS REFERENCES

Planning Commission powers and duties - see Ohio R.C. 713.02, 713.06

Planned unit development application - see P. & Z. 1105.02

Planned unit development defined - see P. & Z. 1123.01(b)(74)

Ohio Constitution, Art. XVIII, Sec. 3

1145.01 OBJECTIVES FOR A PLANNED UNIT DEVELOPMENT (PUD).

(a) General Objective. A planned unit development shall be classified as a unique zoning district or combination of districts that is subject to the provisions of this chapter. The purpose is to encourage and allow more creative and imaginative design of land development than is possible under standard zoning district regulations. A PUD is intended to allow flexibility in planning and design and overall benefits to the City. A PUD also permits the establishment of a variety of uses brought together as parts of a compatible and unified plan. This flexibility should result in a development that has unique characteristics and features that are not found in a development produced in accordance with standard zoning district and subdivision regulations.

(b) Specific Objectives.

(1) To encourage unified projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet is consistent with all applicable plans including but not limited to the Comprehensive Plan, Thoroughfare Plan and the intent of the Planning and Zoning Code.

- (2) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on and destruction of sensitive environmental areas.
- (3) Promote economical and efficient use of land and reduce infrastructure cost through unified development.
- (4) To provide amenities and enhancements that will sustain the quality of life and property values within the development as well as the properties surrounding the proposed PUD.
- (5) Assure compatibility between proposed land uses within and around the PUD through appropriate development controls.
- (6) Where appropriate, provide for community facilities, open space and recreational areas.
- (7) To provide a maximum choice of business and living environments by allowing for a variety of housing, building types and imaginative architectural design.
- (8) To provide an opportunity for a mix of complementary uses otherwise not permitted within the standard zoning classifications.
- (9) To develop land in an orderly, coordinated and comprehensive manner that is consistent with accepted land planning, landscape architecture practices and engineering principles.
(Ord. 17-10. Passed 5-27-10.)

1145.02 DEFINITIONS.

(a) Planned Unit Development (PUD). A PUD is a zoning district where one use or a variety of uses may be accommodated. A PUD offers more flexible standards than those found in conventional zoning districts.

(b) Sub Area. A "sub area" is a defined use area within a PUD that is its own zoning district. Each "Sub Area" shall designate its specific use(s), as well as acreage, development standards, conceptual road alignments, gross densities, and other standards that may be required by the Planning Commission. (Ord. 17-10. Passed 5-27-10.)

1145.03 AMENDMENTS TO PLANNED UNIT DEVELOPMENTS.

(a) Existing Planned Unit Developments. Planned Unit Developments and all associated development plans and supporting documentation adopted prior to the effective date of these regulations shall continue in effect and be considered legally conforming under this code. The procedures for amendments of those developments must conform to the regulations indicated in this code. Zoning amendments passed during the time period granted for the approved development plan shall not in any way affect the terms under which approval of the PUD was granted.

(b) Changes to Development Plans. After City Council has approved a development plan, it may be amended only by the use of the same procedures as are applicable for the original adoption of a Planned Unit Development. However, minor technical adjustments to the development plan, resulting from field conditions, detailed engineering data, or topography, may be authorized in writing with the concurrence of the City Engineer and the City Planner. Such

adjustment requests shall be supported by documentation. The City Engineer and the City Planner shall review the adjustment request and determine that it conforms to the original purpose and intent of the Planned Development approval. If the City Engineer and/or the City Planner do not agree with such adjustments, the adjustments shall not be allowed except by amendment. The Planning Commission shall be advised of all minor adjustments authorized.
(Ord. 17-10. Passed 5-27-10.)

1145.04 PROJECT OWNERSHIP.

The land proposed to be developed as a Planned Unit Development may be in single ownership, or if in multiple ownership all procedural application shall be filed jointly by all the owners of the properties included in the proposed development boundaries.
(Ord. 17-10. Passed 5-27-10.)

1145.05 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS.

Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of the other chapters of this Zoning Ordinance, the provisions of this chapter shall prevail. The requirements of other applicable chapters of this Zoning Ordinance shall govern subjects not covered by this chapter
(Ord. 17-10. Passed 5-27-10.)

1145.06 USES PERMITTED AND CONDITIONAL.

A Planned Unit Development may include any combination of uses when such use(s) are found to be compatible with one another and in keeping with the intent of the criteria, provided the proposed location of the uses will not adversely affect adjacent property and/or the public health, safety, and general welfare.

- (a) The list of specific uses to be included in the proposed Planned Unit Development shall be clearly stated;
- (b) Uses shall be identified as either permitted uses or conditional uses;
- (c) Listed uses shall be specifically defined using the most recent version of NAICS, unless they are defined by this Zoning Code
- (d) The Planning Commission may limit the location of any listed use because of compatibility or other constraints.
(Ord. 17-10. Passed 5-27-10.)

1145.07 COMMON OPEN SPACE.

The intent of the common open space is to provide space between or among buildings/structures for recreational purposes and/or aesthetic amenities. Public utility and similar easements and rights of way for water courses and other similar channels and detention and retention ponds are not acceptable for common open space unless such land or right of way is usable as a trail or other similar purpose and approved by the Planning Commission. The Planning Commission may require additional open space or amenities, recreational improvements or a combination thereof.

The amount of common open space required shall be determined by (a) or (b) below, whichever is greater.

- (a) Type of development.
 - (1) Residential development of 40 acres or more- a minimum of 10% of the land developed in any residential area of a PUD shall be reserved for common open space.
 - (2) Residential development of less than 40 acres- less than 10% of open space may be considered, based on the parcel's potential to meet the intent.

- (3) Commercial/Industrial development- a minimum of 5% of the land developed in any commercial/industrial area of a PUD shall be reserved for common space.
- (4) Mixed use developments- common open space shall be calculated using the requirements in numbers (1) – (3), based on the use of each sub area.
- (b) Or by using the calculations set forth in Section 1107.16, Public Sites, Open Space, and Natural Features. (Ord. 17-10. Passed 5-27-10.)

1145.08 DISPOSITION OF OPEN SPACE.

The common open space land shall be defined by legal instruments setting forth the ownership and perpetual maintenance of the required open space by the developer, home owner's association, condominium association or similar entity. Common open space for parks, recreation and related uses may, at the discretion of the Planning Commission, be dedicated to the City. All land dedicated to the City must meet the requirements as to size, shape and location as determined by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Development Plan. (Ord. 17-10. Passed 5-27-10.)

1145.09 PROCEDURE FOR APPROVAL OF A PUD.

The review of a PUD shall proceed sequentially through steps a-d:

- (a) Pre-application meeting required
 - (1) The applicant shall provide an overview of the development and the advantages of developing the land as a PUD.
- (b) Sketch Plan and information required in Section 1145.11.
 - (1) Public notification - Section 1145.12.
- (c) Development Plan - Section 1145.14 through 1145.16 and
- (d) Action by City Council - Section 1145.18 and 1145.19.

Additional processes that shall occur after PUD Development Plan approval include:

- (a) Preliminary and Final Plats per Section 1105. (if applicable)
- (b) Design Review per Section 1144. (Ord. 17-10. Passed 5-27-10.)

1145.10 PREAPPLICATION MEETING REQUIRED.

The applicant shall meet with the Director of Administration and/or his/her designated representative(s) prior to submitting the PUD sketch plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with existing plans (i.e. comprehensive plan, thoroughfare plan, etc.) the capital improvements program, the zoning regulations, the drainage, sewerage and water systems for the City and to become acquainted with the Planning Commission's requirements. At this meeting the applicant and the Director of Administration or his/her designated representative(s) shall discuss details regarding proposed streets, parks, playgrounds, school sites and other planned developments. The schedule of fees, as set forth in Chapter 1100 will also be discussed. (Ord. 23-12. Passed 2-23-12.)

1145.11 PUD SKETCH PLAN.

Applications for review by the Planning Commission for PUD Sketch Plan:

- (a) Shall be filed with the City on forms provided by the City;
 - (b) Shall include all required supplemental information;
 - (c) Shall be submitted by the application deadline as established by the City;
 - (d) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.
- (Ord. 39-14. Passed 5-22-14.)

1145.12 FILING OF THE SKETCH PLAN.

The sketch plan shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. A filing fee shall be collected as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete the application and fee shall be returned to the applicant with an itemization of deficiencies.

(Ord. 17-10. Passed 5-27-10.)

1145.13 PUBLIC NOTIFICATION.

- (a) At least 10 calendar days before the regularly scheduled Planning Commission meeting regarding the Sketch Plan, the City Staff shall mail notifications to the adjacent property owners by mail of the proposed development. The notification shall include:
 - (1) The general concept of the proposed development.
 - (2) The location of the proposed development.
 - (3) The date, time and location of the Planning Commission meeting.
 - (4) A statement that this is early in the development process and citizen input is encouraged.

Notice of the meeting shall also be given in one or more newspapers of general circulation in the City at least seven days before the date of the meeting. The notice shall include the information set forth in (1) through (4) above.

(Ord. 17-10. Passed 5-27-10.)

1145.14 PLANNING COMMISSION REVIEW OF SKETCH PLAN.

- (a) The Planning Commission shall review the sketch plan and:
 - (1) Approve the sketch plan in principle, or
 - (2) Approve in principle with modifications, or
 - (3) Table the sketch plan allowing the developer an opportunity to return to the next regularly scheduled meeting or at a future regular meeting as requested by the developer, with a revised plan; or
 - (4) Reject the sketch plan.
- (Ord. 17-10. Passed 5-27-10.)

1145.15 DEVELOPMENT PLAN REQUIRED.

(a) After approval in principle of the Sketch Plan, an application for approval of the Development Plan shall be submitted to the City.

(b) Applications for review by the Planning Commission for Development Plan:

- (1) Shall be filed with the City on forms provided by the City;
- (2) Shall be submitted by the application deadline as established by the City;
- (3) Shall include all required supplemental information;
- (4) Shall be signed by the applicant and owner attesting to the truth and exactness of all information supplied on the application.

(c) Sections 1137.09 through 1137.35 and 1144.09 through 1144.11 can be used as a guide to these requirements. (Ord. 40-14. Passed 5-22-14.)

1145.16 FILING OF DEVELOPMENT PLAN.

(a) The development plan shall be considered accepted after it is reviewed by the Director of Administration or his/her designated representative and found to be complete. A filing fee shall be collected, as indicated in Section 1113.05 at the time the application is provided to the Director of Administration or his/her designated representative. If the application is found to be incomplete the application and fee shall be returned to the applicant with an itemization of deficiencies.

(b) Once the application is reviewed and accepted by the Director of Administration or his/her designated representative, they shall place the Development Plan submittal on the next appropriate Planning Commission agenda (Ord. 17-10. Passed 5-27-10.)

1145.17 DEVELOPMENT PLAN APPROVAL.

Within 60 days after accepted or within such further time frame as the applying party may agree to, the Planning Commission shall recommend that the Development Plan be approved as presented, approved with supplementary conditions, or disapproved. If disapproved, the reasons for a disapproving vote shall be stated by those members and it shall be captured in the minutes of the meeting. The Planning Commission shall then transmit the recommendation to City Council. (Ord. 17-10. Passed 5-27-10.)

1145.18 CRITERIA FOR RECOMMENDATIONS BY PLANNING COMMISSION.

(a) Before making its recommendation as required in Section 1145.16, the Planning Commission shall find that the information submitted with the application establishes that:

- (1) The development is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained and the uses proposed will not be detrimental to present and potential surrounding uses;
- (2) The streets and thoroughfares proposed and affected are suitable and adequate to carry anticipated traffic for the development and any adjacent developments that will connect to the PUD.

- plans;
- 1145.01.
- (3) Undeveloped adjacent areas can be planned and zoned in coordination and substantial compatibility with the proposed development and the development will be reasonably compatible with adjacent developments.
 - (4) The planned unit development is in conformance with any and all City
 - (5) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
 - (6) The written presentation submitted with the Sketch Plan, and any necessary revisions, is suitable and adequate.
 - (7) The proposed development meets the objectives set forth in Section
- (Ord. 17-10. Passed 5-27-10.)

1145.19 ACTION BY COUNCIL.

The number of copies of the Development Plan as determined by the Council Clerk shall be provided by the applicant for submission to City Council along with the recommendation of the Planning Commission. The applicant must also meet the requirements of Section 1131.08 through 1131.12. (Ord. 17-10. Passed 5-27-10.)

1145.20 SUPPLEMENTARY CONDITIONS.

In approving any PUD, Council may require additional conditions. Violation of such conditions, when made a part of the terms under which the PUD is approved, shall be deemed a violation of the City Zoning Ordinance. (Ord. 17-10. Passed 5-27-10.)

1145.21 VARIATION FROM THE APPROVED DEVELOPMENT PLAN.

All variations from the approved Preliminary Development Plan that relate to any of the criteria set forth in Section 1145.14, and including all use changes and all changes to development standards shall require the applicant amend the development plan (See Section 1145.03). (Ord. 17-10. Passed 5-27-10.)