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ARTICLE 16

PLANNED UNIT DEVELOPMENT

1600 PLANNED UNIT DEVELOPMENT REGULATIONS.

Section 1600 to 1626, inclusive of this Ordinance, shall apply to the location and maintenance of the Planned Unit Developments as herein defined.

1601 PURPOSE.

It is the response of these Sections to promote the public health, safety, and welfare by the providing for the regulation of planned unit developments. It is the intent of these regulations to provide maximum opportunity for orderly large-scale developments which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs.

1602 INTERPRETATION.

Whenever the requirements of Sections 1600 to 1626 appear to be in conflict with other Sections of this Ordinance, or with those of other existing codes, the provisions of these Sections shall prevail.

1603 PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION.

Subsequent to the approval of the Planning Commission and the Village Council, the designation, "Planned Unit Development District," may be applied to any R-1, R-2, R-3, and CG-1 Districts. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.

1604 USES PERMITTED IN A PLANNED UNIT DEVELOPMENT DISTRICT.

Residential, commercial, public, and quasi-basic uses may be combined in the Planned Unit Development districts, provided that the PROPOSED location of the commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the location of such uses are specified in the final development plan. Lot area and other yard requirements of the residential district shall apply except as modified in Sections 1608.

The amount of land devoted to commercial use in the residential-commercial development shall be determined by the Commission and approved by the Village Council.

1605 MINIMUM PROJECT AREA REQUIREMENTS.

The gross area of a tract of land proposed to be developed in a planned unit development district shall be a minimum of twenty-five (25) acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the planned unit development proposed, contains a mixture of residential uses with commercial uses, the Planning Commission may limit the development of not more than fifteen (15) percent of the tract to commercial uses.

A minimum of twenty (20) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1606 of this Ordinance.

1606 DISPOSITION OF OPEN SPACE.

The required amount of common space land reserve under a planned unit development shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation, and related uses. The legal articles relating the organization of the homeowners association is subject to review and approval by the Planning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar channels are not acceptable for common open space dedication unless such land or right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

1607 UTILITY REQUIREMENTS.

Underground utilities, including telephone, cable television, and electrical systems, are required within the limits of all planned unit developments.

Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

1608 SPECIAL PLANNED UNIT DEVELOPMENT REQUIREMENTS.

The lot requirements for planned unit development approved by the Planning Commission may vary from requirements previously prevailing for the district as follows:

1. Lot width, setback, and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types;
2. Lot area per dwelling unit requirements may be reduced by not more than twenty (20) percent;
3. To provide for the availability of lower and moderately priced rental and sale residences within planned unit developments, the Planning Commission may permit the following:
 - A. A planned unit development plan proposing the inclusion of at least twelve (12) percent lower or moderately priced rental or sale dwelling units may entail no minimum lot or yard requirements, provided that the total area of the residential developments equal to ninety (90) percent of the total minimum lot requirements for such residential development in the district, and that buffering and screening devices are sufficient;
 - B. A planned unit development plan proposing the inclusion of at least ten (10) percent lower or moderately priced rental or sale dwelling units may entail a dwelling unit density ten (10) percent in excess of the density requirement for the district;
 - C. Each property development in the planned unit development should abut common open space, or similar areas, provided, however, that any residential property, not abutting such uses, shall have well designed access to, and shall be no more than five-hundred (500) feet from, such uses.

1609 ARRANGEMENT OF COMMERCIAL USES.

When planned unit development districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with the streets. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and

harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

1610 PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENT DISTRICTS.

Planned Unit Development Districts shall be approved in accordance with the procedure in Sections 1610 to 1625. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process to remove the necessity, in many instances, to proceed under Article 7 prior to the commencement of the planned unit development plan review and approval process.

1611 PRE-APPLICATION MEETING.

The developer shall meet the Zoning Inspector/Administrator and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early, and informally, the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the zoning and other applicable regulations.

1612 PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS.

1. An application for preliminary planned unit development approval shall be filed with the Zoning Inspector/Administrator by at least one owner of property for which the planned unit development is proposed. At a minimum, the application shall contain the following information filed in triplicate:
 - A. Name, address, and phone number of the applicant;
 - B. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
 - C. Legal description of property;
 - D. Present use(s);
 - E. Present and proposed zoning district;
 - F. proposed amending ordinance;
 - G. A vicinity map at a scale approved by the Zoning Inspector/Administer showing the property lines, streets, existing and the proposed zoning, and such other items as the Zoning Inspector/Administer may require;

- H. A preliminary development plan at a scale approved by the Zoning Inspector/Administer showing topography at ten (10) foot intervals; location and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets; right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Planning Commission may deem necessary;
 - I. Proposed schedule for the development of the site;
 - J. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two years;
 - K. A fee as established by ordinance;
 - L. A list containing the names and mailing addresses of all owners of property within five-hundred (500) feet of the property in question; and
 - M. Verification by at least one owner of the property that all information in the application is true and correct to the best of his knowledge.
2. The application for preliminary land unit development shall state reasons why, in his opinion, the planned unit development would be in the public interest and would be consistent with the stated intent of these planned unit development requirements.

1613 PLANNING COMMISSION PUBLIC HEARING.

The Planning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than twenty (20) or more than forty (40) days from the date of filing such an application.

1614 NOTICE OF PUBLIC HEARING.

Before holding the public hearing, notice of such Planning Commission hearing shall be given in one or more newspapers of general circulation at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned unit development, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Village Council for further determination.

Also, before holding the public hearing, written notice of such hearing shall be sent by the Planning Commission by first class mail, at least twenty (20) days before the hearing, to all owners of property within five-hundred (500) feet of

the property in question and to such others as the Planning Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.

1615 PUBLIC ACCESS TO PROPOSED PLANNED UNIT DEVELOPMENT DOCUMENTS.

For a period of at least twenty (20) days prior to the public hearing by the Planning Commission, all papers relating to the planned unit development shall be made available for public inspection in the Village Hall of Rock Creek, Ohio.

1616 APPROVAL IN PRINCIPAL OF PRELIMINARY DEVELOPMENT PLAN.

Within sixty (60) days after the public hearing, the Planning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Ordinance; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Planning Commission's approval in principal of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

1617 SUBMISSION OF FINAL DEVELOPMENT PLAN.

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Inspector/Administer. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purpose of this Ordinance, the submission of the final development plan is a formal request for rezoning the property in question. Five (5) copies of the final development plan shall be submitted and may be submitted and may be endorsed by a qualified professional team which should include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect or landscape horticulturist.

1618 FINAL DEVELOPMENT PLAN APPLICATION CONTENTS.

An application for approval of the final development plan shall be filed with the Zoning Inspector/Administer by at least one owner of property for which the planned unit development is proposed. Each application shall be signed by the owner attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state

that the approval shall expire and may be revoked if construction of the project has not begun within two (2) years from the date of issuance of the approval.

At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of the dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties;
3. A schedule for the development of the units to be constructed in progression, and a description of the design principles for buildings and streetscapes; and tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by the type; estimated residential population by type of housing; estimated non-residential population by type of housing; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Ordinances governing development.
4. Engineering feasibility studies and plans showing, as necessary, installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development;
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship;
6. Preliminary building plans;
7. Landscaping plans;
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained;
9. A fee established by ordinance.

1619 PUBLIC HEARING BY PLANNING COMMISSION.

Within thirty (30) days after submission of the final development plan, the Planning Commission shall hold a public hearing. Notice and public inspection of

the application shall be as specified in Sections 1614 and 1615 of this Ordinance.

1620 RECOMMENDATION BY PLANNING COMMISSION.

Within sixty (60) days after receipt of the final development plan, the Planning Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to the Village Council.

1621 CRITERIA FOR PLANNING COMMISSION RECOMMENDATION.

Before making its recommendation, the Planning Commission shall find that the facts submitted with the application and presenting at the public hearing established that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development;
3. Any proposed commercial or industrial development can be justified at the location chosen;
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price;
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development; and
6. The existing and intended utility services are adequate for the population densities and non-residential uses proposed.

1622 PUBLIC HEARING BY VILLAGE COUNCIL.

After receiving the recommendation form the Planning Commission, the Village Council shall hold a public hearing on the planned unit development final development plan within a reasonable time.

1623 NOTICE OF PUBLIC HEARING BY VILLAGE COUNCIL.

Before holding its public hearing, notice of such hearing shall be given by at least one publication in one or more newspapers of general circulation at least

thirty (30) days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the planned unit development, and a statement that all papers relating to the planned unit development are on file with the Rock Creek Village Clerk and open for public inspection.

Also, written notice of the hearing on the planned unit development shall be mailed by the Rock Creek Village Clerk by first class mail, at least twenty (20) days before the date of the public hearing, to all owners of property within five-hundred (500) feet of the proposed planned unit development and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

1624 ACTION BY VILLAGE COUNCIL.

After the public hearing, the Rock Creek Village Council shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Village Council shall direct the Zoning Inspector/Administer to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment and no change from or substantive alteration in such planned unit development shall be permitted without repetition of the procedures in these Sections.

In the event that the Rock Creek Village Council deny or substantively modify the final development plan as recommended by the Planning Commission, any resulting final development plan for said planned unit development shall not be effective unless passed or approved by the three-fourths ($\frac{3}{4}$) of the Village Council.

1625 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In approving any Planned Unit Development application, both the Planning Commission and the Village Council may prescribe appropriate conditions and safeguards in conformity with this ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this ordinance and be punishable as such.

1626 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.

The approval of a final development plan for a planned unit development district

shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved in if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the planned unit development was granted.