

ORDINANCE NO. 29-2023

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES, ADDITION OF CHAPTER 1181, PLANNED UNIT DEVELOPMENT, AND THE REMOVAL OF CHAPTERS 1177, 1178, 1179, AND 1180, OF PART ELEVEN OF THE PLANNING AND ZONING CODE

WHEREAS, the Village of Plain City Council have determined that comprehensive updates to Title Seven of the Plain City Planning and Zoning Code are required; and

WHEREAS, Chapters 1177, 1178, 1179, and 1180 of Title Seven of Part Eleven of the Planning and Zoning Code set forth procedures and regulations related to residential, commercial, and industrial planned development districts; and

WHEREAS, the Village Council desires to enact Chapter 1181, Planned Unit Development, of Title Seven of Part Eleven of the Planning and Zoning Code, in order to implement updated procedures and regulations as it pertains to planned development districts and for Chapter 1181 to succeed Chapters 1177, 1178, 1179, and 1180 in scope and regulation; and

WHEREAS, with the enactment of Chapter 1181, the Chapters of 1177, 1178, 1179, and 1180 are deemed unnecessary and, as such, are subject to removal from the Planning and Zoning code; and

WHEREAS, the Village Council has determined the need to amend the Planning and Zoning Code of the Codified Ordinances by removing Chapters 1177, 1178, 1179, and 1180 and by adding Chapter 1181, Planned Unit Development, to Part Eleven, Title Seven, of the Planning and Zoning Code, in accordance with Exhibit A, which is attached hereto and incorporated herein.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

Section 1. Council hereby amends the Codified Ordinances by removing Chapters 1177, 1178, 1179, and 1180 and enacting Chapter 1181 of Part Eleven, Title Seven, of the Planning and Zoning Code, as presented, which said amendment is attached hereto and incorporated herein as Exhibit A.

Section 2. It is found that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall be effective from and after the earliest period provided by law.

Passed: October 23, 2023.

Attest: Austin Phoenix
Clerk of Council

Jodey Carney
Mayor

First reading: October 9, 2023.

Vote: ___ yea ___ nay ___ abstain

Second reading: October 23, 2023.

Vote: 6 yea ___ nay ___ abstain

Certificate of Publication

The undersigned, being Clerk of Council of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 4.15 of the Codified Ordinances. The posting was done from October 24, 2023 to November 8, 2023 at the Office of the Clerk of Council located at 800 Village Boulevard; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: October 24, 2023

Austin Phoenix
Clerk of Council

EXHIBIT A

CHAPTER 1181

Planned Unit Development (PUD)

1181.01 Objectives for a Planned Unit Development (PUD)

1181.02 Qualifying Conditions

1181.03 Allowed Uses

1181.04 Development Provisions

1181.05 Site Development Requirements

1181.06 Application Procedure

1181.07 Review Standards

1181.08 Changes to an Approved PUD

1181.09 Existing PUDs

1181.01 OBJECTIVES FOR A PLANNED UNIT DEVELOPMENT (PUD)

- (a) General Objectives. A planned unit development (PUD) 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 Village. 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 Ordinance.
 - (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.

1181.02 QUALIFYING CONDITIONS

- (a) At a minimum, all proposed Planned Unit Developments shall meet the following qualifying conditions, as applicable, to be considered for approval:
 - (1) Location. Planned Unit Developments may be located in any part of the Village, subject to meeting all other applicable requirements.
 - (2) PUD Purpose. The applicant shall demonstrate that the planned unit development will achieve two or more of the purposes listed in Section 1181.01(b).
 - (3) Size. The site size for a Planned Unit Development shall be approved by Planning Commission based on the type of development and:
 - i. Rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
 - ii. The proposed uses will complement the character of the surrounding area;
 - iii. The purpose and qualifying conditions of the PUD district can be achieved within a smaller area; and
 - iv. PUD zoning is not being used as a means to circumvent conventional zoning requirements.
 - (4) Residential Development. A residential Planned Unit Development shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity, and affordability.
 - (5) Commercial Development. A commercial Planned Unit Development shall enhance the Village with design and architectural principles, high-quality construction techniques, preservation of natural resources, and the provision of aesthetic amenities.
 - (6) Industrial Development. An industrial Planned Unit Development areas where industrial, office, and limited commercial uses are planned, should not conflict with surrounding land uses and shall enhance the Village with design and architectural principles, high-quality construction techniques, preservation of natural resources, encourage sound traffic patterns, and the provision of aesthetic amenities.
 - (7) Mixed Use Development. A mixed use Planned Unit Development combines residential and non-residential uses to create a specific environment that

provides pedestrian walkability between housing, workplaces, and other amenities.

- (8) Utilities. The Planned Unit Development shall be served by public water and sanitary sewer facilities.
- (9) Ownership and Control. The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
- (10) Recognizable Public Benefit. The Planned Unit Development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PUD:
 - i. Preservation of significant natural features,
 - ii. A complementary mix of land uses or housing types,
 - iii. Preservation of common open space beyond the minimum required,
 - iv. Connectivity of preserved open space with open space, greenways, or public trails on abutting properties,
 - v. Coordinated redevelopment of multiple lots or parcels,
 - vi. Removal or renovation of deteriorating buildings, sites, or contamination clean-up.

1181.03 ALLOWED USES

- (a) Any land use or combination of uses may be considered for inclusion within a Planned Unit Development.
- (b)

Table 1181.03(b), Zoning Requirements by Use Type	
Land Use Type	Applicable Zoning District
Detached Single Family Residential	RS1, RS2, RS2A, RS3
Attached Single Family Residential	
Twp Family Residential	
Multi-Family Residential	MFR
Commercial	B1, B2, B3
Industrial	I1, I2, OLR

1181.04 DEVELOPMENT PROVISIONS

- (a) Minimum Lot Size and Zoning Requirements. Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting, and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a Planned Unit Development, unless modified in accordance with the provisions of Section 1181.04 (c). Within a PUD, the minimum buffer requirements specified in Chapter 1175. between uses shall not apply; provided, the Planning Commission or Village Council may require separation or buffering of uses as a condition of preliminary plan approval.

- (b) Modification of Minimum Requirements. Regulations applicable to a land use in the Planned Unit Development district may be altered from the requirements specified in Table 1181.03 (b), including the following: modification from the lot area and width, building setbacks, height, lot coverage, signs, and parking. However, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district. Land gained by the reduction in lot sizes shall be added to the open space required within the PUD. The applicant for a Planned Unit Development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the Village Council during the preliminary development plan review stage, after Planning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the Planned Unit Development district, as expressed in Section 1181.01.
- (c) Density Bonus. In addition to the modification of minimum requirements permitted in Section 1181.04 (b), the Planning Commission may permit an increase in the total number of residential units otherwise allowed within a Planned Unit Development, according to the requirements in Table 1181.04 (g). The Planning Commission may grant a density bonus up to 25 percent if the proposal meets all of the applicable criteria described below and where it is demonstrated that:
- (1) The appearance and construction will result in a development of high quality, as evidenced by the innovative design and use of building materials such as stone, masonry, wood and hardie- plank, but not including vinyl; and
 - (2) Dedicated common open space is provided in excess of the minimum required, per Section 1181.04 (d).
 - (3) At least two of the following will be included within the development:
 - i. Amenities, beyond the minimum required open space, will be provided to create a more sustainable community and desirable living environment.
 - ii. Significant natural features, including stands of mature trees, will be preserved and/or substantial landscaping beyond the minimum requirements will be incorporated into the development.
 - iii. Decorative pavers or similar aesthetic enhancements will be incorporated into the vehicular and pedestrian circulation system.
 - iv. A mixed use of residential and commercial and/or office component is proposed within the PUD.
 - v. Three or more public benefits, as identified in Section 1181.02 (a)(10), will be achieved.
- (d) Common Open Space. For purposes of the Planned Unit Development requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational, or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal

play areas in close proximity to neighborhoods or dwelling unit clusters; formal parks, picnic- areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a Planned Unit Development.

- (1) The area of common open space shall not be less than 25 percent of the total land area of a Planned Unit Development containing only residential units. Not less than 20 percent of the total land area of a Planned Unit Development containing only non-residential units. The area of common open space requirement for mixed use Planned Unit Developments will be determined by the Planning Commission. Land dedicated for recreation use, in accordance with Section 1181.04 (d)(3), shall count toward the common open space requirement.
- (2) All common open space shown on the final development plan must be reserved or dedicated by conveyance of title to a corporation, association, or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
- (3) The open space shall meet the following minimum dimensions, contiguity, and connectivity requirements:
 - i. The required open space shall be centrally located, established along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
 - ii. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
 - iii. If the site contains a lake, stream or other body of water, the Village may require that a portion of the required open space shall abut the body of water.
 - iv. Open space shall be sufficiently aggregated to create large useable areas of planned open space. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors, and other users of the development. The minimum size of any individual open space area shall be sufficient to achieve the visual and functional intent of the open space provisions and not simply be a remnant piece of land; and, further provided, that the Planning Commission, may approve other open space areas designed and established as pedestrian or bicycle paths or are

otherwise determined to be open space reasonably usable by residents, visitors, and other users of the development.

- v. Open space areas are encouraged to be linked with adjacent open spaces, public parks, bicycle paths, or pedestrian paths.
 - vi. Grading in the open space shall be minimal, with the intent to preserve existing topography, trees, and other natural features, where practical.
 - vii. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) or building(s) shall not exceed, in the aggregate, five percent of the open space area. Accessory structures or uses of a significantly different scale or character than present in abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands. Pathways or sidewalks shall be exempt from this limitation.
 - viii. The following areas shall not qualify as required common open space for the purposes of this section.
 - (A) The area within any public street right-of-way.
 - (B) The area within private road easements.
 - (C) The area within a subdivision lot.
 - (D) Land within any required yard or setback area.
 - (E) Parking and loading areas.
 - (F) Fifty percent of any steep slopes (12 percent or over).
 - (G) Seventy-five percent of any lake, stream, detention pond, or floodplain that is not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway, or reasonable means of access for enjoyment of all owners, visitors, or others, which will be determined and approved by the Planning Commission.
 - (H) Fifty percent of the area of any golf course.
 - (I) Public utility and similar easements and rights-of-way, unless such land and rights-of-way are to be used for trail or other public purposes. Alternative systems of providing common open space must be specifically approved by the Planning Commission.
 - (J) Wetland areas in a Planned Unit Development.
- (e) Connectivity. Pathways for bicycles and pedestrians shall be incorporated throughout the Planned Unit Development and along all perimeter streets to ensure connectivity between uses and adjacent properties. Pathways and sidewalks shall be constructed in accordance with the Village design standards.
- (f) Minimum Dimensions. Within a Residential Planned Unit Development District, the minimum front setback will be determined for each street by the zoning district in which the development is located. The setback should be varied among adjacent

lots by at least five feet. No more than one- third of the lots within the subdivision may employ the minimum setback line, and the varied setbacks should be reasonably dispersed throughout the subdivision. The Planning Commission has the discretion to waive or modify this requirement within PUD zoned areas provided it determines such action is warranted to maintain a desired development style or design.

(1) Variation in lot width shall be required for all residential subdivisions with more than eight lots, including those within Planned Unit Development Districts. No more than six lots in a row may have the same lot width. There must be a minimum variation of five (5) feet. Lots of varying width must be dispersed throughout the subdivision. No more than 50% of the lots contained within the preliminary plat shall be of the minimum width. When all of the lots within a development are seventy (70) feet or wider, then the varied lot width requirement shall not apply. The Planning Commission has the discretion to waive or modify this requirement within PUD zoned areas provided it determines such action is warranted to maintain a desired development style or design.

(2) The minimum distance between single-family detached dwellings shall not be less than fourteen (14) feet to any other main dwelling.

(3) The minimum distance between dwelling and side lot line is five (5) feet.

(g) Maximum Density.

(1) Three units per acre if the development is exclusively single family.
(Excludes attached single-family dwellings).

(2) Five units per acre if the development is a mix of residential single family and multi-family types.

(3) Seven units per acre if the development is a mix of residential single family, multi-family, and commercial types.

(4) Nine units per acre if the development is exclusively multi-family.

(h) Arrangement of Use Areas.

(1) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development.

(2) Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.

(3) Buildings, structures, and parking areas shall be designed and located within the PUD in ways that conserve environmentally sensitive or unique natural, historic, or cultural features, and minimize environmental impacts.

(4) When commercial, office or industrial uses are being proposed, such buildings and establishments shall be planned to have shared common parking areas and common ingress and egress points in order to reduce the number of potential conflict points.

(5) All areas designed for future expansion or not intended for immediate improvements of development shall be landscaped or otherwise maintained

in a neat and orderly manner as may be specified by the Planning Commission.

(i) Landscaping, Screening, and Buffering.

(1) In addition to Chapters 1187 and 1189, the following shall be followed;

- i. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses.
- ii. Privacy for residential buildings shall be maintained using landscaping, screening, and buffering.
- iii. Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
- iv. Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
- v. Development sites that lack natural trees or various topography, are encouraged to creatively add these types of features.

(j) Protection of Natural Features.

(1) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. A buffer area not less than 20 feet in width measured from the edge of the delineated bank of a river or perennial stream shall be provided along the entire length of waterway. Walkways may be permitted to be located within riparian buffers when the Planning and Zoning Commission determines that such will create minimal change to the riparian buffer.

(2) Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than 20 feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.

(k) Pedestrian Circulation Systems.

(1) A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect to neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Trails with public right of passage should be incorporated in the pedestrian circulation system.

(2) Bike paths and other trail systems. Trail systems for bikes and other purposes shall be included and designed in accordance with the city's plan for bike paths. Such trail system shall have a minimum width of eight feet and be properly buffered from any adjacent residential areas.

(l) Street Design and Vehicular Circulation.

(1) The proposed vehicular circulation system shall provide adequate connections to the existing street network.

- (2) The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
- (3) Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
- (4) The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, the Thoroughfare Plan, and the intensity of proposed uses.
- (5) Private streets as a common easement may be used to provide access to clustered lots and/or structures.
- (6) Street lighting and street signs shall be adequate for safety and security.

1181.05 SITE DEVELOPMENT REQUIREMENTS

In addition to the requirements of this chapter, all development in the Planned Unit Development District shall meet the applicable requirements as listed elsewhere in this ordinance; provided, in the event of a conflict, the requirements of the PUD District shall supersede.

- (a) General Development Standards, see Chapter 1183
- (b) Development Plan Review, see Chapter 1140
- (c) Conditional Use Requirements, see Chapter 1143
- (d) Landscaping and Screening, see Chapter 1187
- (e) Tree Preservation, see Chapter 1189
- (f) Soil Erosion, Sediment and Stormwater Control, see Chapter 1191
- (g) Off-Street Parking and Loading, see Chapter 1193
- (h) Telecommunications, see Chapter 1195
- (i) Alternative Energy, See Chapter 1196
- (j) Lighting, see Chapter 1197
- (k) Signs, see Chapter 1199

1181.06 APPLICATION PROCEDURE

- (a) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the zoning administrator to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures, and the proposed development Concept Plan. The zoning administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.
- (b) Concept Plan Submittal. Following procedures shall be followed for the review of any Planned Unit Development request.
 - (1) Concept Plan Application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project.

Information submitted should be comprehensive enough to enable the staff to understand the existing site and concept for the proposed development.

- i. Completed application form along with the application fee.
- ii. Vicinity map indicating the location of the site in the city and the general location of principal thoroughfares.
- iii. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - (A) Existing public improvements, permanent facilities, easements and property boundaries;
 - (B) General indication of existing structures on the site and abutting properties;
 - (C) Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - (D) General topography;
 - (E) Existing zoning district boundaries and jurisdictional boundaries;
 - (F) Existing public and private utility systems;

(2) Planning Commission Review. Following receipt of a completed Concept Plan Application, the zoning administrator will cause the application materials to be forwarded to the Planning Commission for review. If the proposed project is located within the Uptown Historic District, the zoning administrator shall also distribute the application materials to the design review board Historical Design Review Board for review and comment. Following receipt of a complete application and all required plans and information, the Planning Commission shall review and discuss the proposed development with the applicant and recommend suggestions to prepare for the Preliminary Plan Application.

(c) Preliminary Planned Unit Development Review and Rezoning. The following procedures shall be followed for the review of any Planned Unit Development request.

(1) Preliminary Plan Application. An application for rezoning to Planned Unit Development district shall be submitted to the zoning administrator by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, and a preliminary plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission.

- i. Preliminary Plan. A preliminary plan shall be submitted and include the following:
 - (A) Name, address, phone number and email address of the applicant

- (B) Name, address, phone number and email address of the professional or firm that prepared the plan
 - (C) Legal description of the property
 - (D) North arrow, scale, and title block
 - (E) General location map
 - (F) Existing zoning on the subject property and all abutting properties
 - (G) Property boundary survey
 - (H) Adjacent buildings and structures within 100 feet of the property boundaries
 - (I) All perimeter streets abutting the property, including right-of-way width
 - (J) Existing topographic conditions two-foot intervals
 - (K) Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
 - (L) Approximate location of existing and proposed utilities, including a preliminary utility and drainage preliminary plan
 - (M) Proposed uses within the Planned Unit Development
 - (N) Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
 - (O) Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials.
- ii. Project Narrative. A written statement shall also be submitted with the application, providing the following information:
- (A) Statement of how the Planned Unit Development meets each of the Qualifying Conditions specified in Section 1181.02.
 - (B) Identification of the present owners of all land within the proposed project.
 - (C) Explanation of the proposed character of the Planned Unit Development, including a summary of acreage by use, number and type of dwelling units, gross residential density, area, and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
 - (D) A complete description of any requested deviations, in accordance with Section 1181.04 (b), from the minimum spatial or other requirements applying to the property.
 - (E) An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 1181.04 (c).
 - (F) A general description of the proposed development schedule and anticipated phases.

- (G) Intended agreements, provisions, and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.
- iii. Planning Commission Review. Following receipt of a complete application package, the zoning administrator will cause the application materials to be forwarded to the Planning Commission for review. If the proposed project is located within the Uptown Historic District, the zoning administrator shall also distribute the application materials to the design review board Historical Design Review Board for review and comment. Following receipt of a complete application and all required plans and information, the Planning Commission shall review the request and make a recommendation to the Village Council, as follows:
 - (A) Recommendation. Within sixty (60) days following the zoning administrator's determination that the application is complete, the Commission shall recommend to Council that the preliminary plan and Planned Unit Development zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of Section 1181.07. However, the commission may, with the consent of the applicant, extend the sixty (60)-day time limit.
 - (B) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- iv. Village Council Action. Within 45 days of receiving the recommendation from the Planning Commission, the Village Council shall schedule a public hearing and take final action on the request.
 - (A) Notice of hearing. Within 45 days of receiving the recommendation from the Planning Commission, the matter shall be scheduled for a public hearing. Public notice of the time, date, location, and purpose of the hearing shall be provided, in accordance with the requirements of Ohio zoning law.
 - (B) Public hearing. The Village Council shall conduct a public hearing in accordance with its rules of procedure.
 - (C) Action. Within 45 days of the public hearing, Council shall approve, approve with supplementary conditions or disapprove the preliminary plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of Section 1181.07.
 - (D) Failure of Council to take final action within 45 days of the public hearing shall constitute an approval of the Planning

Commission's recommendation, unless said 45- day period is extended with the consent, or at the request of the applicant. An affirmative vote of the Council majority is needed to approve or modify the Planning Commission's recommendation. To reverse the Planning Commission's recommendation requires the affirmative vote of three-fourths of the Council members.

(E) Conditions. Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this code.

(F) Project representation. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

(d) Final Planned Unit Development Review: The following procedures shall be followed for the review of the final development plan.

(1) Timing. An application for final development plan approval shall be filed not later than 24 months after the date of approval of the preliminary plan and zoning change, otherwise the preliminary plan approval shall be considered expired. One extension of up to 12 months may be authorized by the zoning administrator for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the zoning administrator who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.

(2) Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the zoning administrator to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the preliminary plan approval, review procedures and conformance of the final development plan with the approved preliminary plan. The zoning administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.

(3) Application. An application for approval of the final development plan shall be submitted to the zoning administrator by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, including a final development plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission.

- i. Final Plan. A final development plan, substantially consistent with the approved preliminary plan and containing all information required in Chapter 1140.05.9.(b), shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.
- ii. Project Narrative. A project narrative shall also accompany the application and final development plan and provide the following:
 - (A) Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - (B) Identification of the entity responsible for maintenance of common areas;
 - (C) Description of all deviations from the otherwise applicable zoning requirements;
 - (D) Net and gross density of any residential component of the project;
 - (E) Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 - (F) Restrictions or requirements regarding architectural style and/or building materials;
 - (G) Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks, and similar elements; and
 - (H) An anticipated development schedule by phase, if applicable.
- iii. Phased Projects. If a proposed Planned Unit Development is to be constructed in two or more phases, final development plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given preliminary plan approval and that each subsequent phase shall be submitted for final development plan approval and is consistent with the approved preliminary plan. The Planning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
- iv. Planning Commission Action. Following receipt of a complete application package, the zoning administrator shall cause the application materials to be forwarded to the Planning Commission for review. If the proposed project is located within the Uptown Historic District, the zoning administrator shall also distribute the application materials to the Historical Design Review Board for review and comment. Within 45 days after submission of a complete application and all required plans and information, the Planning Commission shall

consider the application and take action to approve, approve with supplementary conditions, disapprove, or table the final development plan, based on the review standards of Section 1181.07 and the standards of Chapter 1140. The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.

- v. Performance Guarantee. In conjunction with the approval of a final development plan, the petitioner may be required, at the Planning Commission's discretion, to provide a performance guarantee for all public and common improvements, in accordance with Chapter 1129.
 - vi. Private Covenants and Restrictions.
 - (A) Covenants and restrictions for the property within any PUD district are required and must be recorded with the office of the county clerk prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
 - (B) Covenants and restrictions shall:
 - a. Be based on the conditions attached to the approved PUD application;
 - b. Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
 - c. Establish a property owners association (POA) with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and
 - d. Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 1181.04 (d).
- (4) Expiration. Final site plan approval shall expire 12 months after the date of final approval unless substantial construction has been commenced and is continuing. An extension of up to 12 additional months may be granted.

1181.07 REVIEW STANDARDS

In considering a Planned Unit Development request, the Planning Commission and/or Village Council, as applicable, shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- (a) Purpose of PUD. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 1181.01.
- (b) Qualifying Conditions. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 1181.02.
- (c) Comprehensive Plan. The Planned Unit Development shall be consistent with the recommended future land use patterns, goals and relevant recommendations contained in the Village of Plain Village Comprehensive Plan.
- (d) Surrounding Uses. The development shall be compatible with the existing and intended uses surrounding the subject property.
- (e) Natural Environment. The design and layout of the Planned Unit Development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- (f) Public Facilities and Services. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- (g) Health, Safety and Welfare. The Planned Unit Development shall not contain uses or conditions of use that may be injurious to the public's health, safety, or welfare.
- (h) Consistent with All Applicable Standards and Requirements. The proposed development shall conform to all applicable requirements of this code, unless specifically modified and approved, as authorized by Section 1181.04 (b).
- (i) Final Development Plan. The final development plan is substantially consistent with the representations made and plans shown during the prior preliminary plan stage of approval.
- (j) Recognizable and Substantial Benefits. Approval of the Planned Unit Development will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts. The development shall provide two more of the benefits specified in Section 1181.02 (a)(10).

1181.08 CHANGES TO AN APPROVED PUD

Changes to an approved final development plan shall be permitted only under the following circumstances:

- (a) The holder of an approved final development plan shall notify the zoning administrator of any proposed change to the approved plan.
- (b) Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
 - (1) Reduction in building size or increase in building size up to five percent of the total approved floor area;
 - (2) Movement of a building or other structure by no more than ten (10) feet;
 - (3) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 - (4) Changes in building materials to a comparable or higher quality;

- (5) Internal changes in floor plans which do not alter the character or intensity of the use;
 - (6) Changes in parking layout do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
 - (7) Changes required or requested by a county, state, or federal regulatory agency in order to conform to other laws or regulations.
- (c) A proposed change to an approved final development plan that is determined by the zoning administrator to not be a minor change shall be considered a major change and amendment to the approved final development plan and shall be submitted and reviewed in accordance with the procedures established for the final development plan.
- (d) When, in the sole judgment of the Planning Commission, the proposed change is a substantial deviation from the approved preliminary plan, the change shall be reviewed as a new application, in accordance with the provisions of Sections 1181.05 B and 1181.05 C; provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or the Village Council.

1181.09 EXISTING PUDS

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 Planning and Zoning Ordinance. The procedures for amendments of those developments must conform to the regulations indicated in this Planning and Zoning Ordinance. Amendments to the text of this Planning and Zoning Ordinance or to the official Zoning amendments passed during the time period granted for the approved Development Plan have no effect on the terms under which approval of the PUD was granted.