

1262.10 APPROVAL OF DISTRICTS; PRELIMINARY AND FINAL PLANS.

(a) In General; Intent. A PUD Planned Unit Development District shall be approved in accordance with the procedures set forth in this section. It is the intent of this section to incorporate the process for reviewing and approving the development plans with the process for amending the text of this Zoning Code and the Official Zoning Map, as set forth in [Chapter 1246](#).

(b) Pre-Application Meetings. The developer or an agent of the developer shall meet with the Zoning Administrator and the 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 Zoning Code and the criteria and standards of this chapter, to familiarize the developer with any other applicable regulations and to get a general idea of the intent of the proposed project.

(c) Preliminary Development Plan Applications; Contents. An application for preliminary PUD Planned Unit Development District approval shall be filed with the Zoning Administrator by the developer or an agent of the developer. The contents of the preliminary development application are not designed to require detailed engineering plans. However, the preliminary development application must show that enough thought has been put into the plan such that the proposed project is likely to be feasible to complete as proposed. The application shall contain at least the following information:

- (1) The name, address and telephone number of the applicant (and agent, if any).
- (2) The name, address and telephone number of any surveyor, engineer and/or planner assisting in the preparation of the preliminary development plan.
- (3) A legal description of the property.
- (4) Present uses.
- (5) The present zoning district.
- (6) Proposed uses.
- (7) Proposed land uses.
- (8) A vicinity map at a scale of one inch equals 200 feet that shows at least 500 feet in all directions from the property.
- (9) A list of property owners (and their mailing addresses) who own any property that has any lot line located within 200 feet of any property line of the parcel proposed to be rezoned, and of any other persons (as determined by the Zoning Administrator) who may have a substantial interest in the case.
- (10) Elevations based on sea datum if available. Reference bench marks used shall be indicated. A contour map shall be provided with one-foot contour intervals, with acreages in individual watershed areas calculated to the nearest acre. Existing subsurface tile systems shall also be shown, where known by existing records, with elevations, size and type of tile.

(11) A preliminary development plan showing existing and proposed drainage channels, wooded areas, power transmission, poles and lines, proposed sanitary sewers, storm sewers, water lines, street lighting and poles, fixtures and lines, electric and telephone transmission lines, gas transmission lines and cable transmission and any other significant items. The development plan shall also lay out and show the dimensions of existing and proposed streets, including names, layout and dimensions of lots and building set-back lines.

(12) The proposed schedule for the development of the site, indicating phases (if appropriate).

(13) Evidence that the applicant has sufficient control over the land to initiate the proposed development plan within two years.

(14) Verification by at least one developer of the property that all information in the application is true and correct to the best of that person's knowledge.

(15) A fee, as established by Council. (See Section [1222.07](#) of the Subdivision Regulations.)

The preliminary development plan shall include any other characteristics that the Planning Commission may determine to be necessary.

The application for a preliminary planned unit development plan approval shall be accompanied by a written statement by the developer setting forth the reasons why the planned unit development would be in the public interest and would be consistent with the stated intent of the planned unit development requirements of this chapter. The Zoning Administrator may also require that written approval of the City Engineer, the Board of Public Utilities and/or the Fire Chief must be submitted.

(d) Public Hearings by Planning Commission for Preliminary Development Plans; Notice.

(1) Upon receipt of an application for preliminary planned unit development plan approval, the Planning Commission shall schedule a public hearing. Said hearing shall be held not more than seventy-five days nor less than one Planning Commission Meeting from the date of filing of the application with the Zoning Administrator.

(2) Upon receipt of an application to amend this Zoning Code by changing, supplementing, correcting and/or repealing any portion thereof, the Planning Commission shall schedule a public hearing. Said hearing shall be held not more than forty days nor less than twenty days from the date of filing of the application with the Zoning Administrator.

(3) Notice of the public hearing provided for in paragraphs (d)(1) and (2) hereof shall be given by at least one publication in one or more newspapers of general circulation in the City area. Said notice shall be published at least ten days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a general description of the proposed amendment to this Zoning Code and a statement to Council for a final decision. Also, before the Planning

Commission holds a public hearing, written notice of the meeting shall be sent to all owners of property that has any lot line located within 200 feet of the proposed zoning change. Notice shall be sent by the Zoning Administrator by first class mail at least ten days before the public hearing and shall be sent to the owners of such properties as they appear on the County Auditor's current tax list or the Treasurer's mailing list, and to such other persons as may be specified by the Planning Commission. The failure of the United States Postal Service to deliver the notification as provided in this paragraph shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

(e) Public Inspection of Documents. For a period of at least ten days prior to the public hearing by the Planning Commission, all papers (including maps) relating to the planned unit development plan application shall be available for public inspection in the office of the Zoning Administrator during normal business hours.

(f) Preliminary Development Plan Approval. The Planning Commission shall approve, approve with modifications or disapprove the preliminary development plan within sixty days of the public hearing. The Commission's decision shall be based on a review of the preliminary development plan to determine if:

- (1) It is consistent with the intent of this Zoning Code;
- (2) The proposed development advances the general welfare of the community and neighborhood;
- (3) The benefits, combination of land uses and interrelationship of land uses in the surrounding area justify the deviation from the standard district regulations; and
- (4) The plan, if pertaining to manufacturing industrial usage, has been reviewed and acted upon by the Citizens Advisory Committee for Industrial Development as provided for in Section [1242.06](#).

The Commission's approval of a preliminary development plan shall be necessary before the applicant may submit the preliminary development plan to Council for consideration of the change of zoning. Approval of the preliminary development plan shall not be construed to be an approval commitment to, nor is it an endorsement of, any precise location of uses, configuration of parcels and/or engineering feasibility.

(g) Notice to Ohio Director of Transportation. Before any PUD Planned Unit Development District is approved affecting any land within 300 feet of the centerline of an existing State route or of a proposed new route for which changes are proposed (as described in the certification to local officials by the Ohio Director of Transportation) or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice by registered or certified mail (return receipt requested) to the Director.

The Commission may proceed as required by law. However, Council shall not approve the amendment for 120 days from the date the notice is received by the Director.

If the Director notifies the City that the Director shall proceed to acquire the land needed, the City shall refuse to approve the rezoning. If the Director notifies the City that acquisition at this time is not in the public interest, or upon the expiration of the 120-day period (or any extension of the period agreed upon by the Director and the developer), Council shall proceed as required by law.

(h) Public Hearings by Council; Notice.

(1) Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing **to approve or disapprove the preliminary development plan.** ~~for the rezoning to a PUD District.~~ Said hearing shall be held not more than seventy-five days from the receipt of the recommendation of the Planning Commission.

(2) Notice of the public hearing required in paragraph (h)(1) hereof shall be given by Council in at least one publication in one or more newspapers of general circulation in the City area. Said notice shall be published at least thirty days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a general summary of the nature of the planned unit development and a statement that all papers relating to the planned unit development are on file in the office of the Zoning Administrator and are open for public inspection. Also, written notice of the hearing shall be sent by first class mail by the Clerk of Council, at least twenty days before the day of the public hearing. Such written notice shall be sent to all owners of any property that has any lot located within 200 feet of any property line of the proposed planned unit development parcel, at the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other persons who may be specified by Council. The failure of the United States Postal Service to deliver the notification, as provided in this paragraph, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

(i) Action by Council. Within thirty days after the public hearing required by subsection (h) hereof, Council shall adopt or deny the recommendation of the Planning Commission or adopt some modification of it. No such ordinance, measure, or regulation which violates, differs from, or departs from the plan or report submitted by the commission, board, or officer shall take effect unless passed or approved by not less than three-fourths of the membership of Council. No ordinance, measure, or regulation which is in accordance with the recommendations, plan, or report submitted by the commission, board, or officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to Council. No such amended zoning ordinance for a planned unit development shall be passed unless it has been fully and distinctly read on three different days.

The approved PUD District shall be considered to be an integral part of the rezoning amendment, and no substantial change or alteration from the plan shall be permitted without repeating the requirements of this chapter.

(j) Supplementary Conditions and Safeguards; Violations. In approving any planned unit development application, both the Planning Commission and Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Any

violation of conditions and safeguards that were made a part of the approved PUD District development plan shall constitute a violation of this Zoning Code.

(k) Submission of Final Development Plans. After approval of the PUD District by Council, the developer shall submit a final development plan to the Zoning Administrator. The final development plan shall be in general conformance with the approved preliminary development plan as passed by Council.

For the purpose of this Zoning Code, the submission of the final development plan is a formal request for planning of the property. Ten copies of the final development plan shall be submitted.

(l) Final Development Plan Applications; Contents. An application for approval of a final development plan shall be filed with the Zoning Administrator by the developer of the property for which a planned unit development is proposed. The developer shall attest that all information in the application is true and correct to the best of the developer's knowledge.

Each application for approval of a final development plan shall clearly state that the approval, if received, shall expire and may be revoked if construction of the project has not begun within two years of the date of approval of the final development plan.

At a minimum, the application for approval of a final development plan shall contain the following information:

(1) The name of the subdivision, its location by V.M.S. number, (the town, township, county, and state; and the scale, date and north point.

(2) All plat boundaries with length of courses in feet and hundredths and bearings to minutes.

(3) Bearings and distances to the nearest established street lines, corners or other recognized permanent monuments, which shall be accurately described on the plat.

(4) Municipal, township or county lines accurately tied to the lines of the PUD by distances and bearings.

(5) Lines of adjoining streets and alleys, with their widths and names.

(6) The radii, arcs, chords and chord bearings, points of tangency and central angles for all curvilinear streets and radii for rounded corners.

(7) All easements for rights of way provided for public services or utilities and any limitations of such easements.

(8) All lot numbers and lines, with accurate dimensions in feet and hundredths and with bearings. The basis of bearings shall be stated on the plat.

(9) The types of monuments set.

(10) All adjoining property owners, with deed book and page numbers and/or adjoining subdivisions, with plat book and page numbers.

(11) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.

(12) Existing features of the site, including major wooded areas, streets, structures, easements, rights of way, utility lines and land uses.

(13) All of the information required for the preliminary development plan.

(14) The location and sizes of lots, the location and proposed density of dwelling units, the location and nature of nonresidential structures, the remaining land uses and structures (if any) and the topographic and landscaping plan for any remaining undeveloped property.

(15) A general schedule for the development of dwelling units that are to be constructed in phases and the specific anticipated timing of construction for each dwelling unit and any nonresidential structures in the first development phase.

(16) A description of the design principles for buildings and streetscapes and the standards for height, open space, building density, parking areas, utilities, population density and public improvements (including storm water management).

(17) A tabulation of the number of:

A. Acres, by land use type;

B. People in dwelling units, by type of dwelling; and

C. Workers, by land use type (manufacturing, business, etc.).

(18) Engineering feasibility studies and plans showing:

A. Water, sanitary and storm sewer, electricity, natural gas, drainage, telephone and cable television installations;

B. Waste disposal facilities;

C. Street lighting and other improvements; and

D. The general nature and extent of earth work required for site preparation and development.

(19) A site plan that shows all structures, the various functional use areas and their relationship and traffic circulation.

(20) Preliminary building plans.

(21) Landscaping plans.

(22) Deed restrictions, protective covenants and other legal statements or devices that are proposed to be used to control the use, development and maintenance of the land and improvements to the land, including those areas which are to be commonly owned and maintained.

(m) Criteria for Planning Commission Approval On Final Development Plans. The Planning Commission shall find that the facts submitted with the application and presented at the final hearing establish that:

(1) Construction must be started within two years.

(2) The streets proposed are adequate and suitable to carry the anticipated traffic, and the anticipated traffic will not overload the street network outside of the planned unit development.

(3) Any proposed business and/or manufacturing development appears to be justified at the location proposed

(4) Any deviation from the standard district requirements is warranted by design and other amenities in the final development plan and is in accordance with these planned unit development requirements and with the need to provide a variety of housing opportunities with regard to type and price.

(5) The area surrounding the planned unit development can be planned and zoned in coordination with, and in substantial compatibility with, the proposed development.

(6) The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed