

CHAPTER 1144

Residential Planned Unit Development

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1144.001 INTENT.

The primary intent of a Residential Planned Unit Development is to provide a permissive and alternative zoning procedure for residential development and housing and, in certain instances where specific conditions are met, related neighborhood commercial uses.

(Ord. A-2248. Passed 4-9-01.)

1144.01 SUBMISSION OF PRELIMINARY PLAN.

The owner of a tract of land containing not less than five acres may submit to the Planning Commission, for its review, a preliminary plan for the use and development of such tract for a Residential Planned Unit Development, provided the tract is located in any N, S or R District.

(Ord. A-2248. Passed 4-9-01.)

1144.02 DUTIES OF PLANNING COMMISSION.

It shall be the duty of the Planning Commission, within sixty days after the preliminary plan is submitted, to hold a public hearing thereon and to investigate and ascertain whether the location, size, layout and other characteristics of the proposed plan comply with the following conditions:

- (a) That the proposed project is consonant with the Comprehensive Plan of the community, and properly provides for the implementation of those features of such Plan effecting the tract of land in question;
- (b) That the proposed project will not adversely affect neighboring property;

- (c) That the proposed project is at a location where traffic congestion does not exist at present on the streets to be used in conjunction therewith, and where undue congestion will not likely be created as a result of the proposed project;
 - (d) That the plan of the proposed project provides for the integrated and harmonious design of buildings, for adequate and properly arranged facilities for internal traffic circulation and off-street parking, for appropriate and desirable landscaping and for such other facilities and features as may be necessary to make the proposed project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing and potential developments; and
 - (e) That the proposed project conforms to the requirements and standards set forth herein.
- (Ord. A-2248. Passed 4-9-01.)

1144.03 PERMITTED USES.

Uses permitted in the Residential Planned Unit Development are as follows:

- (a) Barber shop; beauty shop; weight loss center; photographic studio in any R District;
 - (b) Business and professional office uses, not including drive-in, drive-up or drive-through facilities in any R District;
 - (c) Church or temple in any N, S or R District;
 - (d) Clothing service; self-service laundry or dry cleaner; dry cleaning establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than sixty pounds, using cleaning fluid which is nonexplosive and nonflammable, in any R District;
 - (e) Dressmaking; millinery; tailor and pressing shop; shoe repair shop in any R District;
 - (f) Drug store; hardware store; paint store; newsdealer; apparel shop; flower shop; antique shop; shoe shop; variety store; toy store; jewelry store; sporting goods store in any R District;
 - (g) Educational institution in any N, S or R District;
 - (h) Grocery; meat market; delicatessen; bakery in any R District;
 - (i) Multi-family dwelling in R-1, R-2 and R-3 Districts, provided that in R-1 and R-2 Districts there shall be no more than ten units per building;
 - (j) Municipal or governmental building in any N, S or R District;
 - (k) Publicly-owned or operated recreation facility in any N, S or R District;
 - (l) Radio and television repair shop; electric appliance repair shop; record shop in any R District;
 - (m) Single-family dwelling in any N, S or R District;
 - (n) Two-family dwelling in R-1, R-2 and R-3 Districts.
- (Ord. A-2248. Passed 4-9-01.)

1144.04 BUILDING HEIGHTS AND DENSITIES.

Building height and density requirements shall be the same as for the district in which the tract of land is located, provided, however, that a reduction of the minimum lot area per dwelling not to

exceed forty percent of the requirement for single-family dwellings in the district involved may be approved by the Planning Commission when, in its opinion, such reduction is justified by superior design and/or other favorable amenities, characteristics or features of the proposed Residential Planned Unit Development. Commercial buildings shall not exceed twenty-five feet in height, nor, in the aggregate, occupy more than twenty-five percent of the total site acres.

(Ord. A-2248. Passed 4-9-01.)

1144.05 YARDS, COURTS AND FLOOR AREAS.

Yards and courts shall be of such size as to be in concert with and appropriate relative to the requirements for the district in which the tract of land is located. Minimum floor area requirements shall be those designated for the district, provided, however, that for two-family dwellings and multi-family dwellings in a proposed project located in the R-1 or R-2 District, these requirements shall be those designated for such uses in the R-3 District. Commercial buildings shall be located no closer than fifty feet to any street line or thirty feet to any other boundary line on the site.

(Ord. A-2248. Passed 4-9-01.)

1144.06 RECREATION AREAS.

- (a) A minimum of ten percent of the gross acreage shall be reserved for common open space or recreation area. However, this requirement may be waived or reduced by the Planning Commission for developments less than ten acres in area, provided that the developer can reasonably demonstrate that existing public recreational facilities in the immediate neighborhood area are sufficient to accommodate the increased use caused by the proposed development, or for any other significant reason, and the developer is amenable to provide improvements to or expand the public recreation facilities in the vicinity of the proposed development in lieu of providing the ten percent common open space or recreation area. The ten percent requirement may also be reduced by the Commission where the developer proposes to provide improvements to open space or recreation areas.
- (b) For the purposes of interpretation, common open space or recreation areas shall not include: yard space planned for and used in association with dwelling units; space left over between buildings; steep slopes; or street right-of-way or parking areas.
- (c) Where development is staged, at no time shall the total area of dedicated open space or recreation area be less than ten percent unless otherwise authorized by the Commission.

(Ord. A-2248. Passed 4-9-01.)

1144.07 STREETS AND OFF-STREET PARKING.

The design and construction of streets and places to be developed within the proposed project site shall conform in all respects to the requirements for such facilities contained in the regulations governing the subdividing of land in the City. Other provisions of this Zoning Code notwithstanding, there shall be provided at least two off-street parking spaces for each dwelling unit. The off-street parking requirements for commercial uses shall be at least one space for each

900 square feet in gross floor area in the principal building or buildings. The off-street parking requirements for other uses shall be those stipulated in Chapter 1141.

(Ord. A-2248. Passed 4-9-01.)

1144.08 UTILITIES AND SERVICE FACILITIES.

The location, design and construction of all utility facilities shall conform in all respects to the requirements for such facilities contained in the regulations governing the subdividing of land in the City. Service drives and all service facilities shall be located entirely within the proposed project site. Commercial structures shall have one off-street loading and unloading space for each 10,000 square feet of gross floor area or fraction thereof in the principal building or buildings.

(Ord. A-2248. Passed 4-9-01.)

1144.09 LANDSCAPING AND UNUSED AREAS.

All areas not used for access, buildings, circulation and service shall be landscaped as may be deemed appropriate by the Planning Commission to make the proposed project attractive and efficient and to protect neighboring property and developments from adverse effects that may result from such project. The entire site area of the proposed project shall be maintained in good condition.

(Ord. A-2248. Passed 4-9-01.)

1144.10 HILLSIDE AREAS.

If one or more buildings are proposed to be located in a hillside area, the maximum building height for such buildings may be increased one story over that otherwise permitted. However, there shall be provided at least one entrance from an access street or drive for each two and one-half stories of building height.

(Ord. A-2248. Passed 4-9-01.)

1144.11 COMMERCIAL STRUCTURES.

In addition to the other regulations and requirements contained herein, any commercial structures that are a part of a Residential Planned Unit Development shall comply with the following:

- (a) Maximum Floor Space Per Establishment. No individual establishment or group of uses operated as a single business establishment shall occupy a total of more than 1,000 square feet of gross floor space in the principal building or buildings.
- (b) Signs. All exterior signs shall comply with the requirements of Chapter 1149, except that advertising signs, detached business signs and/or portable and/or temporary signs shall not be permitted in a Residential Planned Unit Development.
- (c) Exterior Lighting. All exterior lighting of parking areas, buildings and attached signs shall be so arranged as to reflect light away from adjoining premises, and no flashing lights or signs of any kind shall be permitted, except those required by traffic regulations.

- (d) Maintenance and Landscaping. All buildings, structures, parking areas and loading spaces shall be kept and maintained in a neat and orderly manner and appearance. All areas not occupied by buildings or structures or by parking or loading areas shall be landscaped and maintained in a neat manner and appearance. Parking and loading areas located across a street from facing residential premises or closer than thirty feet to the property lines of adjoining residential premises and building entrances located closer than fifty feet to such property lines shall be appropriately screened from such adjoining premises by means of plantings, ornamental fences or walls or approved design.
- (e) Outdoor Displays. In order to preserve the character of the adjacent residential areas, no outdoor display of goods, merchandise or services, or outdoor display or exhibit of any nature, shall be permitted. However, the Board of Appeals may, after public hearing, authorize a specific exhibit or display for a period up to, but not exceeding, fourteen days, provided that the applicant has substantiated to the satisfaction of the Board that such display or exhibit would be appropriate in a Residential Planned Unit Development and that the activity will not adversely affect adjoining or nearby residential property.

(Ord. A-2248. Passed 4-9-01.)

1144.12 ADDITIONAL REQUIREMENTS.

In addition to the foregoing, the Planning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of the proposed project as it may deem necessary for the protection of adjacent properties and the public health, safety and general welfare.

(Ord. A-2248. Passed 4-9-01.)

1144.13 CONTENTS OF PRELIMINARY PLAN.

The application for review of the preliminary plan of a Residential Planned Unit Development shall be submitted and include ten copies of a scale drawing certified by a registered engineer or land surveyor. Such drawing shall contain the following information:

- (a) The accurate dimensions and size of the site area as well as the topography of the site and adjoining lands;
- (b) The location and dimensions of all existing and proposed streets, places and pedestrian walkways within and abutting the site, as well as the location, size and means of ingress and egress of all proposed off-street loading and parking areas;
- (c) The location, size, and height of all existing and proposed buildings and structures within the site and on adjoining lands, as well as the existing or proposed use of each such building or structure, including the number of dwelling units to be accommodated in each;
- (d) The location, size and means of access of proposed recreation areas;
- (e) The location, dimensions or other relevant particulars concerning features of the Comprehensive Plan affecting the site;

- (f) The proposed plans for providing electrical, gas, sewer and water utility services, including connections to existing service lines and existing and proposed easements;
- (g) Such other information as may be required by the Planning Commission in order that it may determine the appropriateness of the proposed project for the section of the community in which it is intended to be developed;
- (h) The existing zoning classification(s) of the property involved in the proposed development, with notations made where the proposal does not comply with all provisions of the zoning district(s) involved and statements on how design considerations will accommodate these provisions;
- (i) A preliminary plat for any subdivision of land involved in the proposed development;
- (j) A statement explaining why the proposed method of development may be seen as a superior alternative to development in the conventional manner under existing zoning and subdivision regulations;
- (k) A proposed landscaping plan indicating the types and locations of special landscape treatments and explaining the anticipated effects of the proposed treatments; and
- (l) A stormwater management plan, including the location and calculations of any retention/detention basins and erosion control measures.

(Ord. A-2248. Passed 4-9-01.)

1144.14 SUBMISSION OF FINAL PLAN.

Upon determination by the Planning Commission that the proposed project, as shown on the preliminary plan thereof, conforms to all of the applicable provisions of this chapter and other provisions of this Zoning Code, the owner of the tract of land involved shall prepare and submit a final development plan which shall incorporate any changes or modifications required by the Commission. After the receipt of such final plan and the finding that it meets all of the stipulated requirements, the Commission shall submit such plan to Council together with its report and recommendations thereon. Council shall process the final development plan in accordance with the provisions of Chapter 1153, including the holding of a public hearing thereon, and may modify the plan consistent with the intent and meaning of this chapter.

(Ord. A-2248. Passed 4-9-01.)

1144.15 CONFORMANCE WITH FINAL PLAN; REVISIONS.

- (a) Subsequent to the approval of the final development plan by Council, the lands included within the site area thereof shall not be developed or used in any manner whatsoever that is not in conformance with the approved plan, and no building permit or certificate of occupancy shall be issued for any building, structure or use on the lands except in conformance with the approved plan.
- (b) Any change in an approved final development plan desired by the owner of the tract of land involved shall be submitted to the Planning Commission. The Commission shall conduct a public hearing on all proposed revisions to an approved final development plan and make a determination or finding that at least one of the following is true:
 - (1) The proposed revision is a minor change, not substantially altering the overall concept of the Planned Unit Development. Generally, such changes are limited to

small site alterations such as realigning a street, shifting a setback or slight changes in building designs that do not result in the loss of open space. Increases of up to ten percent of the total development density and any decreases in density may be determined by the Commission to be minor changes. Minor changes shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc.

- (2) The proposed revision is a major change, which will affect the general character and overall concept of the Planned Unit Development, including substantial relocation or redesign of principal or accessory structures, parking, open space areas and streets. A major change is involved in density increases in excess of ten percent of the total development density and/or revisions affecting the land coverage by building, parking and open space areas.
- (c) Where the Commission determines that the proposed revision is a minor change, the proposal may be reviewed as a revised final plan, and action to approve, modify or deny approval may be taken by the Commission following the public hearing. Minor changes involving or affecting public improvements shall be referred to Council for review and action, not requiring a public hearing by Council.
- (d) Where the Commission determines that the proposed revision is a major change, the proposal shall be reviewed as a revised preliminary development plan as a part of the same public hearing, and the Commission may act to approve, modify or deny approval for the revised preliminary plan, following the public hearing. The revised preliminary plan shall be reviewed in the same manner as the original plan, including final plan review by the Commission and public hearing review by Council.
- (e) Upon approval of a revised final development plan as a minor or major change the original final plan shall be considered void and the revised final plan shall have the same force and effect as if it were the original plan.

(Ord. A-2248. Passed 4-9-01.)

1144.16 FAILURE TO COMPLETE PROJECT.

If the proposed Residential Planned Unit Development has not been completed within twenty-four months after the effective date of the final approval by Council, such approval shall become void, and no building permit or certificate of occupancy shall be issued on the basis of such plan. However, Council, upon the recommendation of the Planning Commission, may grant more time to the developer, not to exceed an additional twelve months, for such completion, in cases where the developer has diligently pursued such project within the initial twenty-four month period and has shown that the delay was caused by extenuating and unavoidable circumstances.

(Ord. A-2248. Passed 4-9-01.)

1144.17 IDENTIFICATION ON ZONE MAP.

The boundary of any approved Residential Planned Unit Development shall be identified on the "Zone Map, Sidney, Ohio" in accordance with Sections 1105.01 and 1105.02 of the Zoning Code. Such identification shall overlay the base district or districts in which the development is located.

(Ord. A-2248. Passed 4-9-01.)

1144.18 FEES.

Residential Planned Unit Development fees shall be as follows:

Preliminary Development Plan \$ 50.00

Final Development Plan \$150.00

(Ord. A-2468. Passed 1-9-06.)