

Ord. 2018-03
“Exhibit A”

ARTICLE 19 – RESIDENTIAL “PUD” PLANNED UNIT DEVELOPMENT

Section 1900: PURPOSE.

(A) This article establishes requirements and procedures for approval of special residential developments creatively designed, distinct, integrated units, providing single and/or multi-family residential uses, necessary vehicular and pedestrian circulation, and associated open space and/or recreational uses.

(B) It is the purpose of the Planned Unit Development Overlay District (hereinafter referred to as PUD) to provide a flexible alternative to strict application of certain dwelling unit type, lot area, density and other requirements in residential zoning districts, in order to encourage coherent planned residential developments that are in keeping with modern site planning standards, so as to promote the general public health, safety, and welfare, and other general purposes of this chapter.

Section 1901: OBJECTIVES.

The PUD is specifically designed to:

(A) Encourage residential land development in consideration of topography, vegetation, community character, and compatibility with surrounding land uses;

(B) Encourage creative design in the arrangement of buildings, open space, circulation, and all related factors by permitting maximum flexibility in design;

(C) Achieve the most efficient land use by utilizing the special advantages of planned development and coordinated planning and design, and facilitating the economic arrangement of buildings, circulation systems, and utilities; and storm water facilities, impervious, surface area; and

(D) Create high quality living environments that balance certain permitted density increases with preservation of green space and/or provision of recreational amenities.

Section 1902: QUALIFYING CONDITIONS.

Any application shall meet the following conditions to qualify for consideration as a PUD:

(A) Location. The PUD site shall be located ~~within residential district and may not be located in any other zoning district.~~ within any zoning district

(B) Development. The tract of land proposed for development as a PUD site shall be a minimum of five contiguous acres ~~and shall be located within an R-2 and R-3 zoned property only.~~ Subject to Planning Commission approval, a tract of land smaller than five contiguous acres may be considered. Also subject to Planning Commission approval, contiguous property of any size, including property of less than five acres may be added to a PUD at any time, after a final development plan has been approved or after construction of the development has been initiated or completed in phases or in its entirety, provided its design is harmonious with the

character of the preexisting PUD development. The addition of contiguous property to an approved PUD will be processed and reviewed in accordance with the requirements of this article to determine approval.

(C) Facilities. No PUD shall be permitted except where public water and sanitary sewer facilities are made available and deemed adequate to serve said PUD

(D) Single control. At the time of application and throughout the development period, all land included in the PUD must be under the single control of the applicant or his or her successor, except for any portions of the development which are finished and transferred to private ownership in accordance with the requirements of this article.

Section 1903: PERMITTED USES.

Contingent upon Final Development Plan approval, as required by the provisions of this article, the following uses may be permitted within the PUD district:

(A) All types of residential housing units, attached or detached, including but not limited to single-family, two-family, and multifamily residential units.

(B) Accessory buildings incidental to the principal use, which do not include any activity conducted as a business. Except home occupations as permitted by the Zoning Ordinance.

Section 1904: STANDARDS AND GUIDELINES.

In order to obtain a PUD, the applicant must demonstrate that the preliminary development and final development plans meet the following standards:

(A) General design standards. Design standards for development area, lot size, type and architectural design of dwelling units, lot coverage, density, yard requirements, frontage requirements, landscaping, and screening for the proposed PUD shall be as established by the Planning Commission. Deviations from the requirements of the underlying residential districts may be granted by the Village Council when it is determined that changes to design elements, natural features or public amenities, consistent with the purposes of a PUD expressed in Section 1900 and the Objectives in Section 1901 and Standards and Guidelines in Section 1904 are adhered to.

(B) Site planning/open space and green areas.

- (1) The natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character;
- (2) The design of green areas shall incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings structures and pavement.
- (3) The PUD shall be designed so proposed green areas adjoin green areas of any bordering development or public park in order to provide a connected greenbelt

systems and pedestrian connectivity.

(C) Grading and drainage.

Shall be performed in accordance with Village of New Richmond Ordinance 2007-23 *Water Management Sediment Control Regulations*.

(D) Natural resource protection areas.

- (1) The resource protection standards are intended to preserve valuable and unique natural resources which contribute to the ecological well-being and character of the community, and to minimize damage to the environment and the public health, safety, and welfare that may result from loss of vegetation, hillside slippage, flooding, erosion or inappropriate site development.
- (2) The applicant shall identify the natural resources present at the subject site, the limitations they pose to development and the required resource protection areas not to be built upon, altered or disturbed by development.
- (3) All resource protection areas identified on the subject site shall be properly notated and shall be designated as permanent open space and may be made an integral part of the required open space in accordance with the provisions of this article or otherwise be mitigated.
- (4) The types of site natural resources that need to be identified and protected and the preferred method of protection are as follows:
 - (a) Flood plains. The 100-year flood plain and areas of special flood hazard areas as identified by the Federal Emergency Management Agency, in accordance with all applicable local regulations.
 - (b) Water courses. Natural streams, ponds, ravines and drainage ways, which may or may not have been identified in the Federal Emergency Management Agency maps. Any alterations of these site resources shall meet the provisions of appropriate local regulations.
 - (c) Steep slopes. Sites where the land surface is inclined from a horizontal plane 20% or greater; In order to prevent slippage, loss of vegetation and erosion, steep slopes shall not be disturbed. The following standards shall guide the protection of steep slopes:
 1. Steep slope of 20% to 30%.
 - a. A minimum of ninety percent of such resource protection areas shall remain undeveloped when they are incorporated into the open space system.

b. A minimum of seventy percent of such resource protection areas shall remain undisturbed.

2. Steep slopes of greater than 30%.

a. A minimum of ninety percent of such resource protection areas shall remain undeveloped when they are incorporated into the open space system for the PUD project.

b. Eighty-five percent of such resource protection areas shall remain undisturbed.

c. Development of steep slopes shall be done with caution, and excavation and alteration of the ground shall be minimized. When steep slopes are being proposed for development, the Planning Commission may require specific performance standards to be applied to the development in order to minimize impacts.

(5) Woodland areas. Areas or stands of trees, measured canopy to canopy, covering an area greater than one acre in which:

1. Any grove of trees where the majority of the trees consist of mature canopy (12-inch and greater tree caliper).

2. All development shall be planned, designed and constructed so that existing healthy trees are preserved.

(E) Circulation. The street, access and parking system shall provide for the smooth, safe, convenient and functional movement of vehicles and pedestrians both on and off-site.

(1) Circulation shall:

(a) Minimize the conflict between pedestrian and vehicular traffic;
and

(b) Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.

(2) Vehicular access.

(a) Acceleration, deceleration and/or left turn lanes may be required if the Village Council finds that they are necessary to preserve safety and/or the traffic-carrying capacity of existing streets.

(b) A traffic impact study shall be required for all PUD

developments.

(c) Use of cul-de-sacs shall be limited.

(d) Connectivity of streets shall be encouraged within the site and with adjoining streets and parcels.

(e) Boulevard entrances are permissible

(3) Site distance triangles.

(a) All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of vehicular traffic, bicycles and pedestrians.

(b) The site distance triangle shall be determined in accordance with the most recent, relevant and applicable standards. The site distance triangle shall vary depending upon the design speed and the width of the street.

(4) Pedestrian circulation.

(a) Sidewalks shall be constructed on both sides of all public streets. Sidewalks on one side of the street, may be permitted at the discretion of the Village Council.

(b) Public sidewalks may be supplemented with pedestrian paths that traverse common open space. Sidewalks are required on all private streets.

(c) Sidewalks and/or pedestrian paths shall be constructed and located in order to provide convenient, safe and visible pedestrian paths between parking areas and building entrances. Whenever a pedestrian or bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated and identified.

(d) When necessary for proper pedestrian circulation the Village Council may require sidewalks and/or pedestrian paths be constructed to provide access from cul-de-sacs to the nearest adjoining street.

(e) Whenever a proposed development adjoins a collector street, sidewalks may be required along the collector street and the full length of the property at the discretion of the Village Council.

(F) Lighting.

(1) On-site exterior lighting shall provide illumination adequate to permit safe nighttime activities, eliminate glare and light trespass.

(2) A comprehensive street lighting plan for the project shall be submitted and approved by the Village Council. The plan shall include methods for eliminating light pollution on neighboring properties.

(G) Screening and buffering. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of the PUD.

(H) Design standards. The Planning Commission shall consider quality of design when reviewing all PUD applications. Design standards shall include:

(1) The use of unique street design and landscaping to provide for traffic calming, including but not limited to, landscape islands, flared sidewalks, street narrowing, traffic roundabouts or curb bump outs.

(2) A sufficient number of housing types, styles and models with varied setbacks are offered to avoid a monotonous streetscape. Provisions are established to eliminate identical building elevations on adjoining lots;

(3) The development offers a variety of lot sizes, housing types and construction material including, but not limited to, brick, stone, or wood siding;

(4) Trees and foundation plantings for the front yard outside the public right-of-way; and

(5) Street trees of an approved type and/or species shall be provided throughout the development.

(I) Perimeter requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the PUD, the Village Council may impose either or both of the following requirements:

(1) Structures and parking areas located on the perimeter of the PUD shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses with appropriate buffering as determined by the Village Council.

(2) The Village Council, at its discretion, may require that adherence to the minimum requirements of the underlying district be accomplished within all or a portion of the perimeter of the site.

(J) Common open space/recreation area. The Village Council may recommend approval of the PUD development if it finds that the development plan contains areas to be allocated for

common open space in accordance with the following requirements:

(1) Common open space shall be set aside for active and/or passive recreation. Central neighborhood greens and/or smaller pocket parks are encouraged. Active recreation can include such activities as golf courses, swimming pools, tennis courts, playgrounds, and ball fields. Passive recreation areas can include picnic areas, sitting areas, walking paths, gazebos or similar uses. At least 15% of the designated open space must be set aside for passive/active recreation facilities;

(2) Public access must be provided to all open space;

(3) Streets and rights-of-ways cannot be considered as common open space;

(4) For PUD projects to be developed with 100% single family units, 20% of the total (gross) site area of the PUD shall be set aside and dedicated to a public or private agency as common open space and recreation area and attached to the final development plan;

(5) For projects to be developed with 100% multi-family units, a minimum of 30% of the total (gross) site area of the PUD shall be set aside and ~~be~~ dedicated to a public or private agency as common open space and recreation areas and attached to the final development plan;

Required perimeter setbacks and required setbacks between buildings shall not be considered in the calculation of common open space;

(6) For PUD projects to be developed with single family and multi-family units a minimum of 25% of the total (gross) site area of the PUD shall be set aside and dedicated to a public or private agency as common open space and recreation area and attached to the final development plan;

(7)

(a) Common open space areas shall constitute autonomous open space and be exclusive of all streets, structures, single family lots, parking areas, sidewalks, and landscaped areas incidental to the vehicular circulation system.

(b) Independent trails and bridle paths of sufficient width and design may be included in the calculation. Required common open space shall not consist of isolated or fragmented pieces of land which will serve no useful purpose or which may present maintenance difficulties as determined by the Village Council;

(8) Such open space areas shall be physically situated so as to be accessible and available to all residents of the PUD; and

(9) Ownership of common open space shall be transferred by the developer to a legally-established homeowners association, or if accepted, the village or other public or quasi-public agency. Common open space that includes a clubhouse, golf course, or other recreational facilities may remain in private ownership, subject to Village Council approval.

(K) Utilities. All utilities shall be located underground and any accompanying appurtenances to these systems shall be screened from view of the public street by some vegetative screening appropriate for the site.

(L) Fences, walls. The location, height and type of fences and walls shall be per Article 20 of the New Richmond Zoning Ordinance.

(M) Off-street parking. Off-street parking, and loading, shall be provided in accordance with Article 21 of the Zoning Ordinance.

(N) Signs. The number, size, and location of signs for a PUD plan will be in accordance with Article 22 of the Zoning Ordinance.

(O) Other requirements. Height, minimum distance between buildings, and length of structures shall be as approved in the preliminary development plan, provided the following minimum standards are observed:

- (1) Height. The height of any residential structure within a PUD district shall not exceed three stories or 45 feet;
- (2) Minimum distance between buildings. There shall be a minimum distance of ten feet maintained between residential structures; and
- (3) Length of structures. There shall be no continuous structure of townhouses, attached dwellings or apartments, containing more than three hundred (300) linear feet.

Section 1905: APPLICATION AND REVIEW PROCEDURES.

(A) Initiation.

(1) Application for approval of a PUD may be initiated only by the owner, or his or her agent, of the property proposed for designation as a PUD. Whenever a PUD is proposed, before a zoning permit for the erection of a permanent building in such PUD shall be granted, and before a subdivision plat of any part thereof may be filed in the office of the Zoning Administrator, the owner shall apply for and secure approval of such PUD in accordance with the procedures set forth in this article.

(2) An application for approval of a PUD cannot be combined with a zone change of the underlying district.

(3) A PUD may be established by action of the Village Council and only after the

Council's consideration of a recommendation from the Planning Commission in accordance with the requirements and procedures of this article.

(B) Procedure.

(1) The application for a PUD commenced by a property owner shall be processed in a three-part procedure which requires the owner to:

- (a) Attend a pre-application conference;
- (b) Submit a formal application, the required review fee in accordance with the fee schedule, and a preliminary development plan; and
- (c) Submit a final development plan and subdivision plat as required.

(2) The Planning Commission and Village Council shall act upon the application as prescribed by the following provisions of this article.

Section 1906: PRE-APPLICATION CONFERENCE.

(A) Prior to submitting an application for development plan approval, an applicant for a PUD shall meet with the Zoning Administrator, Village Administrator and/or no more than two (2) Planning Commission representatives to present the concept of the proposed development prior to the preparation of plans and to discuss the procedures and standards for development plan approval.

(B) The pre-application conference is intended to facilitate the filing and consideration of a complete application and no representation made by village representatives during such conference or at any other time shall be binding upon the village with respect to the application subsequently submitted.

(C) The pre-application conference presentation shall include appropriate information and material necessary to explain the proposed development, including but not limited to, sketch plans and idea development, tentative public utilities proposals, site location, and the like.

(D) The pre-application conference is an opportunity for the applicant to familiarize themselves with the comprehensive plan of the village.

Section 1907: SUBMITTAL OF PRELIMINARY DEVELOPMENT PLAN.

(A) An application for a PUD shall be filed with the Zoning Administrator by the owner or owners of all property included in the development. A narrative summary of the development objectives shall be prepared and filed with the application, completely documenting the opportunities and limitations to development and the facts and studies supporting the proposed development. Nine copies of the application and preliminary development plan shall be filed with the application.

(B) The village shall review the required PUD application and accompanying documents using the procedures, standards, limitations and guidelines set forth in this article. To be

considered complete, a PUD application shall identify and provide all the information required under this section.

(C) The application for the PUD must include the written and graphic submittals specified below unless waived per section 1908.

- (1) A completed application form provided by the Zoning Office;
- (2) The required preliminary development plan review fees in accordance with the community development fee schedule;
- (3) Nine copies of a preliminary development plan; and
- (4) For site plans less than 25 acres, the preliminary development plan shall be drawn to a scale not smaller than one inch equals 100 feet, to be considered complete. For site plans larger than 25 acres, an appropriate scale shall be used. All preliminary development plans shall be dated and shall include the following information as required by this article:
 - (a) All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances, adjacent streets, and location with reference to identifiable street intersections. A list of the names and addresses of the owners of all property located within the subject site, and within 200 feet in all directions of the subject site, together with corresponding parcel numbers;
 - (b) Name of proposed development, legal description of property, acreage, name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the plan;
 - (c) Vicinity map locating the subject property in the village. Both vicinity map and preliminary development plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page;
 - (d) The total lot area of the subject property;
 - (e) The present zoning of the subject property and all adjacent properties;
 - (f) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed, continued, enlarged, relocated or abandoned;
 - (g) Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review;
 - (h) The location of every existing and proposed building with number of floors, gross floor area, and number of dwelling units per building;

- (i) The proposed types of units, density, and setback of each residential unit;
- (j) Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks;
- (k) The amount of area proposed for common open space and recreational use, including the location and arrangement of recreational facilities, and identification of unique natural features to be retained and a statement of ownership of such facilities and the means for maintaining all common areas;
- (l) The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations;
- (m) Location and dimensions of all driving aisles, off-street parking and loading/unloading spaces including number of spaces and angle of stalls;
- (n) Location of proposed pedestrian walkways, identifying dimensions;
- (o) Location of proposed streets, identifying dimensions of pavement, rights-of-way, grades, utilities, and other public facility improvements;
- (p) Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating pipe sizes. Indication shall also be given regarding the provision of electric, telephone service, and cable service;
- (q) Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within the area, with 100-year water surface elevations and proposed finished floor elevations noted;
- (r) Identification of the soil types and subsurface geology of the subject property, indicating anticipated problems and proposed methods of handling said problems;
- (s) Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be included, and every good faith effort made to preserve, maintain, and enhance same;
- (t) Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used;
- (u) A schedule of proposed development, including the staging and phasing of development;

(v) Indication of proposed ownership of each common open space and proposed methodology of transfer of such space to the village, public or quasi-public agency, or legally-established homeowners associations;

(w) Elevations of all facades of buildings and structures, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:

1. Heights of buildings and structure;
2. Roofs and overhangs; and
3. Special design features and restrictions.

(D) The aforementioned information required for PUD and preliminary development plan review may be combined in any suitable and convenient manner as long as the data required is clearly indicated and understood.

Section 1908: WAIVER OF ITEMS BY ZONING ADMINISTRATOR.

Depending on the nature of the preliminary development plan review application, one or more of the aforementioned preliminary development plan requirements may be waived by the Zoning Administrator. To obtain a waiver the applicant must submit a statement to the Zoning Administrator indicating reasons why the requirement should be waived. The Zoning Administrator may grant waivers only when the material supplied by the applicant clearly demonstrates that the requirement to be waived is unnecessary for a full and adequate review of the impact of the proposed development on the existing character of the neighborhood and/or the spirit of this chapter. The decision of the Zoning Administrator with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

Section 1909: REVIEW AND APPROVAL OF PRELIMINARY DEVELOPMENT PLAN.

(A) Planning Commission review and recommendation.

(1) Upon receipt of a completed PUD application and preliminary development plan, the Zoning Administrator shall transmit copies of the PUD application, the preliminary development plan, and accompanying documents to the following entities:

- (a) Members of New Richmond Planning Commission; and
- (b) File - Zoning Office.

(2) Within 30 days after receipt of the PUD application and the Preliminary Development Plan, the Planning Commission shall set a time and place and conduct a public hearing.

(3) The Zoning Administrator will publish a notice of public hearing which shall be advertised in at least one newspaper of general circulation within the village at least 15 days before the date of such hearing.

- (4) Written notice of the public hearing shall also be mailed by the Zoning Administrator, by regular first class mail, at least 20 days before the date of the public hearing to all owners of property abutting the subject site and within 200 feet in all directions of the subject site.
- (5) Failure to deliver written notices as provided in this section shall not invalidate any future proceedings. The written notice shall contain the same information as required to be published in newspapers in division (A) (3) of this section.
- (6) Within 30 days of the final public hearing, the Planning Commission shall vote to recommend to Village Council the approval of the PUD application and the preliminary development plan, the disapproval or rejection of the PUD application and the preliminary development plan, or the approval of the PUD application and the preliminary development plan with conditions/modifications. In connection with such recommendation, the Planning Commission shall have the authority to recommend waiver of any of the standards and guidelines set forth in section 1904 in order to promote the goals and objectives of the village's comprehensive plan.
- (7) Recommendation for approval of the PUD application and the preliminary development plan shall not be construed as an endorsement of precise location of uses, configuration of uses, or engineering feasibility.
- (8) In its written recommendation for approval, disapproval/rejection, or approval with conditions/modifications, the Planning Commission shall include the following statements:
 - (a) A statement that the plan is consistent with the intent and purposes of this article;
 - (b) A statement indicating the relationship, beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established;
 - (c) A statement that present or planned utilities, roadways, and other public services will adequately service the overall development;
 - (d) A statement that the uses permitted in the development plan serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet special requirements set forth in the development objectives; and
 - (e) Statements that all specific conditions set forth previously in this article are met or that any exception to such requirements is warranted in order to promote the goals and the objectives of the comprehensive plan.

(B) Village Council review and determination.

(1) The written recommendation of the Planning Commission shall be forwarded to the Village Council.

(2) Within sixty (60) days from the receipt of the written recommendations from the Planning Commission, Village Council shall schedule a public hearing to consider the written recommendation. The Clerk shall publish notice of the date, time, and location of the public hearing at least 30 days prior to the hearing in a newspaper of general circulation in the village. If the written recommendations pertain to an application which seeks to obtain PUD classification for ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village Clerk, by first class mail, at least 20 days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any ordinance, measure, or regulation enacted by Village Council pertaining to the application. Upon publication and at all times prior to the public hearing, the text or copy of the text of the written recommendations of the Planning Commission, together with the original application and the preliminary development plan, and all other documentation considered by, or provided to, the Planning Commission shall be on file, for public examination, in the village administrative offices.

(3) No later than 45 days after conducting the public hearing, Village Council shall pass an ordinance approving, rejecting, or modifying the written recommendation of the Planning Commission. No ordinance which rejects or modifies the written recommendation of the Planning Commission shall take effect unless passed or approved by not less than three-fourths of the membership of Village Council. No ordinance which approves the written recommendations of the Planning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the Village Council.

(4) Village Council shall have the authority to waive any of the standards and guidelines set forth in section 1904 as it deems appropriate in connection with its approval or modification of the recommendation of the Planning Commission in order to promote the goals and objectives of the Comprehensive Plan.

(5) After approval of the PUD application and the preliminary development plan by Village Council, the official Zoning map shall be modified and appropriately notated for the subject property by adding the prefix "PUD" next to the underlying zoning district designation, and by adding the date of approval of such change and the number of the ordinance granting such approval.

(6) The Ordinance of Village Council approving, denying, or modifying the recommendation of the Planning Commission is the final legislative action of Council on the PUD application.

Section 1910: SUBMITTAL OF FINAL DEVELOPMENT PLAN.

(A) Within 12 months following the approval of the PUD application and the preliminary development plan and the establishment of the PUD, the applicant shall submit to the Zoning Administrator all required items to obtain final authorization to proceed with construction. Failure of the applicant to submit the final development plan within 12 months shall nullify the approval and shall cause the Zoning Administrator to remove the prefix PUD from the zoning map.

(B) For developments which are designed to be built in phases, a final development plan for each phase may be submitted, reviewed and approved by the Planning Commission under this article.

(C) The applicant shall submit the following items to the Zoning Administrator:

- (1) The application and review fee; and
- (2) Nine copies of a detailed final development plan as outlined below.

(D) The detailed final development plan shall be generally consistent with the contents of the approved preliminary development plan, be prepared by a professional urban planner, engineer, architect, or landscape architect, be submitted at a scale not smaller than one inch equals 50 feet, and shall include the following items:

- (1) Site plans of the development showing survey of the tract, lot lines, building outlines, off-street parking areas and spaces, pedestrian walkways, and vehicular circulation;
- (2) Preliminary building plans, including representative floor plans and exterior elevations;
- (3) Landscaping plans showing quantity, size, and varieties of landscaping proposed;
- (4) Specific engineering plans showing site grading, street plans and improvements, drainage and utility improvements and extensions, and treatment of the general topography and common open space;
- (5) Information detailing the proposed type of units, density ~~level~~, area, and setbacks for each residential area and the type, location, and acreage of common open space;
- (6) Timing of amenities;
- (7) All necessary legal documentation relating to the incorporation of a Homeowners Association for the purpose of maintaining the specified common open space or other documentation pertaining to the transfer of ownership of such common open space to the village or other public or quasi-public entity;

- (8) Copies of any restrictive covenants that are to be recorded; and
- (9) Any other supporting documentation deemed appropriate by the applicant or the Planning Commission and all approvals obtained or sought from other agencies which are required for the proposed development.

Section 1911: REVIEW AND APPROVAL OF FINAL DEVELOPMENT PLAN.

(A) The Zoning Administrator shall transmit copies of the final development plan and accompanying documents to the following entities:

- (1) The Village Engineer;
- (2) The Fire Department;
- (3) Members of the Planning Commission; and
- (4) File-Zoning Office.

(B) Within 30 days of submittal, the Zoning Administrator shall collect reports from the Village Engineer, Fire Department, and any other appropriate review agencies, and prepare copies of the reports for the Planning Commission.

(C) Within 30 days of receipt of all pertinent reports, including a traffic impact study if requested, the Planning Commission shall review and: approve, disapprove/reject, or approve with modifications the final development plan. The Planning Commission shall note any specific conditions or exceptions on which it premised its approval on the approved final development plan. With all conditions and exceptions acknowledged and accepted on the plan by the developer.

(D) Criteria for approval by the Planning Commission. The Planning Commission shall find that the facts submitted with the application and presented establish that:

- (1) The proposed final development plan is consistent with the contents (e.g. building location, land uses, densities, yard requirements and area) of the approved preliminary development plan;
- (2) The proposed development can be initiated within two years of the date of approval;
- (3) Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, and will have a beneficial effect which could not be achieved under standard district regulations;
- (4) The streets and thoroughfares 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 development;

(5) Any exception from standard district requirements is warranted by the design and other amenities incorporated in the plan;

(6) The area surrounding the development can be planned and zoned in coordination and substantial compatibility with proposed development;

(7) The development is in general conformance, goals, and objectives with the comprehensive plan of the village; and

(8) The existing and proposed utility services are adequate for the densities and uses proposed. The Planning Commission may require written proof of capacity availability from the appropriate public agency.

(9) All PUD developments shall conform to the village subdivision regulations. The Zoning Administrator shall review said record plat for compliance with the final development plan. The Developer has the option of submitting the record plat as a whole or in phases as the development is built.

Section 1912: EFFECTS OF FINAL DEVELOPMENT PLAN APPROVAL.

Once approved, the final development plan is kept on record in the Zoning Department, together with all recommendations, ordinances, applications, plats, plans, and other information regarding the development. The ordinance prepared by the Village Council approving the preliminary development plan and the approved Final Development Plan approved by the Planning Commission serve as the official record of the permitted uses, development, and activities for the development. Any use, development, or activities on the development which is not consistent with, or which is contrary to, the final development plan shall be considered a violation of this chapter and subject to the compliance procedures and penalties specified herein and in section 1916.

The approval or denial of the final development plan by the Planning Commission is an administrative action. As such, the applicant or any person who can demonstrate irreparable harm by the decision of the Planning Commission may appeal the decision in accordance with ORC Chapters 2505 and 2506.

Section 1913: CONSTRUCTION AND EXPIRATION

No construction, except preliminary excavation, shall begin until after the final development plan has been approved by the Planning Commission. If substantial construction has not begun within a period of 12 consecutive months from the date of approval of the final development plan and substantial construction of an approved phase is not completed within five years of approval, said plan shall be deemed null and void. The Zoning Administrator may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved final development plan obsolete. For purposes of this section, SUBSTANTIAL CONSTRUCTION shall mean installation of roadways, including curbs and

utilities.

Section 1914: MODIFICATIONS.

The final development plan shall conform substantially to the preliminary development plan. No changes, erasures, modifications or revisions shall be made to any approved plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the Community Development Director. In determining whether to permit revision of the preliminary development plan after approval, the Community Development Director shall proceed as follows: For minor modifications, which are defined as follows: A ten (10) percent change in existing buildings, floor area, heights, setbacks, and any other change under Section 1907 C (4) (b) (c) (p) (q), the Community Development Director may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners. For major modifications, which are any changes in use or in Section 1907 C (4) (a) (d-h) (k-o) (r-x), the applicant must submit a new preliminary development plan which will be reviewed in accordance with the procedures in chapter 19 of this ordinance.

Section 1915: COMPLIANCE AND ENFORCEMENT.

It shall be incumbent upon the Zoning Administrator or his or her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved final development plan. In the event that the Zoning Administrator finds that construction in accordance with the approved Final Development Plan and record plat(s) is not being done, he or she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved final development plan shall be at the developer's, builder's, or owner's expense.

