

## CHAPTER 1112

### PLANNED UNIT DEVELOPMENTS

#### 1112.01 GENERAL REGULATIONS

It is the purpose of this chapter to recognize and accommodate in a unified development, creative and imaginative residential development and to permit those innovations in the technology of land development that are in the best interests of the City.

- A. In order to accomplish this purpose, it is the intent in establishing this subsection to achieve:
1. A variety of dwelling types including single-family and multiple-family dwellings compatible with the purposes of planned unit developments (PUDs).
  2. Flexible spacing of lots and buildings in order to encourage:
    - a. separation of pedestrian and vehicular circulation
    - b. conservation of natural amenities of the landscape
    - c. provision of readily accessible recreation areas and green spaces
    - d. creation of functional and interesting residential areas
    - e. provision of a necessary complement of community facilities, such as central sanitary sewers and central water supply systems.
  3. In large-scale PUDs, suitable associated commercial and other nonresidential uses consistent with the demand created by the PUD and compatible with existing and proposed land uses adjacent to the PUD.
  4. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through shorter utility lines and streets.
- B. Special Provisions Governing PUDs. Because of the special characteristics of planned unit developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this section and those of the other chapters of the Zoning Ordinance, the provisions of this subsection shall prevail. Subjects not covered by this subsection shall be governed by the respective provisions found elsewhere in this Code. Except as specifically noted, nothing in this section shall be interpreted to exempt PUDs from all provisions of the Subdivision Regulations of the City. All PUDs are subject to site plan review by the Planning Commission.

C. Uses. With an approved PUD, compatible residential, commercial, institutional and open space uses may be combined as will enhance the living environment of the planned development. All such uses shall be arranged to be compatible with each other and not to adversely affect adjacent property and/or the public health, safety and general welfare.

1. The full range of residential dwelling types shall be permitted, including all types of dwelling ownership and physical arrangements as judged by the Planning Commission to be compatible with the purpose of the project.
2. Commercial uses may be limited to those types judged by the Planning Commission to be compatible with the purpose and the predominantly residential nature of planned unit developments. Commercial uses shall only be permitted in those PUDs of 25 acres or more, provided that such commercial development shall not exceed the maximums specified in subsection (E)(1) hereof.
3. Institutional uses may be permitted within a planned unit development as will be compatible with the predominantly residential nature of a PUD. Such uses should be limited to five percent of the total PUD area and shall be limited to uses, such as schools, churches and cultural facilities, judged appropriate by the Planning Commission and compatible with the predominantly residential nature of a PUD. Institutional uses shall be further controlled by the standards in subsection (K)(1) and (2) hereof.

D. Minimum Project Area:

1. The gross area of a tract of land to be developed in a PUD shall be a minimum of twenty-five acres. Smaller parcels may be considered for approval as a PUD on the basis of their potential to meet the objectives of this subsection as stated in Subsection 1112.01(A).
2. All land within the PUD shall be contiguous in that it shall not be divided into segments by:
  - a. any limited access highway, or
  - b. any tract of land (other than streets or rights-of-way for pipelines or electric transmission lines) not owned by the developer of the planned development.

E. Density:

1. Total dwelling units (DU) per net acre and total commercial area in a PUD shall not exceed the following maximums:

Commercial Acres  
DU/Net Acre    Per 100 DU

R-1	4.5	1.5
R-2	6.0	1.0
R-3	10.0	1.0
R-4	25.0	0.5

F. Commercial activities will be limited to the following kinds of uses:

1. Personal services such as barber and beauty shop, dry cleaning and laundry agency, tailor and dressmaker, and shoe repair shop
2. Food sales of the grocery store and/or dairy store type, but not exceeding 5,000 square feet of floor area in any single space or building
3. Drugstore
4. Florist and gift shop
5. Preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionery, restaurant, ice cream parlor and soda fountain, but not exceeding 5,000 square feet of floor area for any single or combination of the above activities in a single space or building
6. Accessory uses clearly incidental to the uses permitted on the same premises
7. Dwellings within the PUD may be arranged in any manner and at any density, provided that overall density does not exceed the density maximums specified in (E)(1) above

G. Commercial and Institutional Uses:

1. The Planning Commission may approve an amount of commercial acreage up to the maximums specified in subsection (E)(1), and shall be guided by such considerations as whether the location is appropriate for such uses, the relationship of such uses to the adjoining circulation pattern and the relationship of such uses to land use and development patterns adjoining the PUD.
2. When planned unit development districts include commercial or institutional uses, such buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be

provided on the perimeter of the commercial or institutional areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings and for adequate and properly arranged facilities for internal vehicular and pedestrian circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

- H. Yard, Height, and Floor Area Regulations. Lot widths, setbacks and side yards and building heights are flexible in order to allow for a variety of structural and design arrangements. In reviewing building spacing proposals in PUD plans, the Planning Commission shall be guided by factors such as spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, glassed wall areas, building configurations, energy efficient siting principles and relationship of building sites to circulation patterns.
- I. Open Space. A minimum of thirty percent of the net area of the PUD shall be reserved in perpetuity for common open space and recreational facilities. Such open space shall be available to and accessible to all residents of the PUD and shall be designed primarily for their use. Open space shall be exclusive of all streets, nonrecreational buildings and individually-owned land. Design of common open space areas shall be governed by the following standards:
1. The Planning Commission may require a bond in lieu of provision or dedication of the required open space in cases where final subdivision plats are approved in stages, the amount of which shall be determined by the Planning Commission.
  2. Permanent water bodies should comprise no more than thirty percent of the required open space, at the discretion of the Planning Commission, depending on the water body's utility as a recreation or open space asset to the PUD.
  3. Open space areas and recreation areas shall be distributed throughout the PUD and located so as to be readily accessible, available to, and usable by all residents of the PUD. Each parcel within the PUD should be designed to abut upon common open space areas.
  4. Common open space may be improved with appropriate recreation facilities and structures as long as total paved or roofed areas do not exceed five percent of the total open space area.
  5. Significant natural amenities such as outcroppings, tree stands, ponds, ravines and stream channels should be left in their natural state and

considered part of the required open space, subject to the above standards.

- J. Disposition of Common Open Space. Planned unit developments shall receive approval subject to submission, prior to final subdivision approval, of legal instruments setting forth a plan or manner of permanent care and maintenance of common open spaces and recreation facilities. Approval by the Planning Commission of such instruments shall be based on the following standards:
1. The instruments shall guarantee that open space as shown on the final development plan will remain as such. The Planning Commission may require that all development rights to the open space be deeded to the City if the City Council will accept said deed, or deeded to another appropriate public body, or that permanent restrictive covenants be attached to the open space.
  2. Common open space and recreation facilities shall be deeded to a homeowners association, funded community trust or similar entity. If a private entity is to hold title to common open space and recreation facilities, such entity shall not be dissolved nor shall it dispose of any common open space or recreation facility without first offering to dedicate the same to the City.
  3. Such instruments shall convey to the City and other appropriate governmental bodies the right of entrance to the common open space and recreation facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public interest. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions with the costs levied as a lien against the property if such a lien may lawfully be levied. Advance notice is not necessary for emergency entrance onto such common areas and facilities.
  4. The Planning Commission may require a bond in lieu of provision of dedication of the required open space in cases where final subdivision plats are approved in stages, the amount of which shall be determined by the Planning Commission.
- K. Indoor Recreational and Meeting Facilities. All planned unit development projects permitted in any district under these regulations shall provide indoor recreational and meeting facilities as part of and integral to the project. Such facilities shall include heat and at least one handicap accessible restroom, and shall be available for the use of all occupants of the total project as defined on the general plan, and shall be completed at such time as sixty percent of the total dwelling units indicated on the general plan are completed and ready for occupancy, and shall have adequate provisions recorded as part of the dedication plats for the permanent maintenance and operation of the facilities. Such facilities shall be constructed, as a minimum, in proportion to the percentage of

the total project being developed as part of any phase up to the completion of sixty percent of the total dwelling units. Financial guarantees acceptable to the Planning Commission may be utilized in place of the actual construction of such facilities up to completion for occupancy of sixty percent of the total dwelling units as approved in the General Plan.

The minimum area for indoor recreational and meeting facilities shall be determined as prescribed below for the respective districts. The required handicap accessible restroom or any furnace or utility room shall not be included in the required square footage for indoor recreational and meeting facilities.

1. The first fifty acres:

<u>Residential District</u>	<u>Square Feet Per Dwelling Unit</u>	
R-1	20	
R-2	20	
R-3	15	
R-4	15	(Ord. E-03, Passed 3-17-03.)

2. The acreage that remains:

<u>Residential District</u>	<u>Square Feet Per Dwelling Unit</u>
R-1	3.5
R-2	3.0
R-3	3.0
R-4	2.0

L. Private Streets. Private streets shall conform to the City Subdivision Regulations for minor residential streets except that standards for private streets on which twenty or fewer dwelling units have immediate access may be modified upon approval of the Planning Commission after the Commission obtains a recommendation from the City Engineer.

M. Collector Streets and Major Thoroughfares. Collector streets and major thoroughfares shall be designated as such by the developer upon submission of general plans as provided in Section 1112.02 A. Such designations shall be subject to modification by the Planning Commission so that an efficient traffic circulation system is established. There shall be no direct access from single-family detached residential lots to a major thoroughfare, and direct access from single-family detached residential lots to collector thoroughfares shall be minimized. When there are more than thirty dwelling units in a grouping they shall have primary access to such dwelling units from a public or dedicated street.

N. Off-Street Parking. There shall be provided outside the public or private right-of-way parking as required in Chapter 1107. These spaces may be located in the vicinity of the dwelling unit or in an area designated for guest parking as deemed appropriate by the Planning Commission. All parking spaces and service

drives shall be improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

- O. The pedestrian and bicycle circulation system and their related walkways shall be insulated as much as possible from the vehicular system in order to provide separation of pedestrian and bicycle movement from vehicular movement. This may include pedestrian and bicycle overpasses or underpasses in the vicinity of schools, commercial areas and such other areas likely to generate a considerable amount of pedestrian and bicycle traffic.
- P. Height Regulations for Single-Family Detached Dwelling, Single-Family Attached and Two-Family Dwellings. No structure shall exceed forty feet in height above the average finished grade line.
- Q. Height Regulations for Multifamily Dwellings. No structure shall exceed seventy feet in height above the average finished grade line in the R-2, R-3 and R-4 residential districts. All structures will conform to the state fire marshall's requirements.
- R. Minimum Living Space for Single-Family Attached, Two-Family, and Multifamily Dwellings. In a planned unit development, not more than 20 percent of the dwelling units shall have less than 800 square feet of living space and the minimum shall be 650 square feet of living space.
- S. All utilities shall be installed underground.
- T. Erosion and Sedimentation Control. Effective erosion and sediment controls shall be planned and applied according to the following principles:
  - 1. The smallest practical area of land should be exposed at any one time during development.
  - 2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
  - 3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
  - 4. Sediment basins, debris basins, desilting basins or silt traps shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
  - 5. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.

6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soil so as to create the least erosion potential.
8. Wherever feasible, natural vegetation should be retained and protected.
9. Must be in compliance with all requirements of the subdivision regulations of the City of Orrville.

(Ord. 78-95. Passed 12-4-95.)

## **1112.02 ESTABLISHMENT**

- A. General Plan Approval. At the time of the application for a conditional zoning certificate, a general plan for the development of the land shall have been filed with the Planning Commission by the owner or owners of the land involved. The General Plan, which may be set forth on one or more maps or in one or more instruments, shall have been signed by all owners of property within the project, shall have been drawn to scale, shall have been prepared by an architect, landscape architect, engineer or planner-in-charge, and shall show the following:
  1. the date;
  2. the boundaries of the project;
  3. a north arrow;
  4. the topography of the project using two-foot contour intervals;
  5. the proposed street system for the project, including designation of collector thoroughfares agreeable to the Planning Commission where such thoroughfares are indicated on the City of Orrville Land Use and Thoroughfare Plan, or where otherwise necessary for efficient traffic circulation;
  6. the areas of the project to be used for single-family detached dwellings, single-family attached dwellings, garden apartment buildings, medium and high-rise apartment buildings and commercial buildings and/or uses;
  7. the area or areas of the project to be preserved as open space;
  8. descriptive data as to the methods to be employed to preserve and maintain such open space and recreational facilities, such as public dedication, homeowners associations, condominiums, etc.;

9. the areas into which such project is to be divided for different uses, the use proposed for each such area, the number of housing units by type and size, and number of bedrooms per unit of each class of housing proposed in any given area, the location and size of school, church and/or fire station sites proposed;
10. the total population density for the project in number of housing units;
11. the acreage of the project;
12. the location and landscaping of the proposed parking lots within the project;
13. descriptive data concerning the sewer, water and storm drainage facilities within the project, identifying the entity whether public or private to whom such facilities are to be dedicated or transferred;
14. the location and acreage of the commercial uses proposed within the project; and
15. a plan showing provisions for control of erosion and sedimentation during and after construction; such plan to be accompanied by documentation indicating the review and recommendation on such plan by the Wayne County Soil and Water Conservation District, the Department of Natural Resources Division of Lands and Soil, or other competent public agency or soils scientist, and the Director of Public Safety and Service.

Upon approval of the General Plan by the Planning Commission, a conditional zoning certificate may be issued for the project. The implementation of the project is then subject to the further qualifications, requirements and provisions set forth in subsection B hereof. No substantial change from the approved General Plan shall be made without prior approval by the Planning Commission.

- B. Final Approval of Uses. Before such uses as were authorized by the Planning Commission's approval of the General Plan and the issuance of the conditional zoning certificate for the overall project may be begun, a zoning certificate must be obtained for each structure, and only after a final approval of uses has been obtained from the Planning Commission. For a final approval of uses, the owner shall file a final development plan for any specific area within the project or the overall project with the Commission together with a letter of application for such approval. Such final development plan must show the following:

1. The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage, courses and distances, as determined by a licensed engineer or surveyor who shall sign such plan and certify to the accuracy thereof. The boundaries of any area for which final

development plan approval is requested shall not be divided to comply with the density and open space acreage criteria, but shall be proportioned and allotted so that required open space is convenient to the residential properties included in the area submitted for final approval.

2. The location and floor plans of all buildings, descriptive data as to the type of buildings, the number of dwelling units in each separate type and bedrooms per unit of apartment or multifamily dwelling buildings, the number and type of all retail establishments and the number of bedrooms in each apartment unit.
3. A title guarantee or rider to an existing policy, prepared by a reputable title company, showing the legal description of the land which has been set aside for the open space, and showing appropriate restrictions limiting the use of such land to recreation and open space in perpetuity, granting owners and residents of the area to be developed a right and easement of use in such open space.
4. A detailed plan setting forth the manner, means and proposed time of transfer of the land reserved for open space to a nonprofit entity and the obligations and rights of use of such open space by all residents of the area.
5. A detailed landscaping plan for all areas proposed for parking, commercial, single-family attached and multifamily development.

C. Conditions for Final Approval of Uses. The Planning Commission shall give the final approval of uses only upon finding that the following conditions are met:

1. No applicable, general or specific requirements of the Zoning Code, as existing at the time of General Plan approval, is violated by the final development plan.
2. The final development plan accurately sets forth the area to be developed and the area to be set aside as open space with appropriate boundaries established by course and distances, and the acreage within the area to be approved is set forth as well as the acreage of the area to be set aside as open space for the use of all residents of the area.
3. The final development plan is substantially in accordance with the General Plan which had been previously filed with and approved by the Planning Commission and for which the conditional zoning certificate has been issued.
4. The density of dwelling units in any area does not exceed that shown on the General Plan and the overall density of the district has not been exceeded with respect to the total figure shown on the General Plan.
5. The area reserved for open space and recreation in the sum of all areas for which final development plan approval has been given or is requested shall

never be less than thirty percent of the cumulative acreage of all areas for which final development plan approval has been given or is requested.

6. Satisfactory progress has been made in previously approved segments in respect to the provision and improvement of indicated recreational facilities.
  7. The final development plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project. A performance bond may be allowed to substitute for actual construction in accordance with section 1112.01, (J)(4) and (K). This bond shall be in effect no longer than one year. The amenities included in each phase shall be, in effect, completed prior to the issuance of occupancy permits.
  8. Site plan approval by the Planning Commission shall be automatically revoked if the construction approved has not been begun within one year from the date of approval. When construction has been delayed due to circumstances beyond the control of the developer, the Planning Commission may grant an extension not exceeding ninety days, during which construction may be begun.
  9. Supplementary conditions and safeguards. In approving any planned unit development, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Code.
  10. Amendments and Extensions. Minor amendments to the approved final plan (such as slight changes in a building location or in the landscaping plan) may be approved over the signature of the Director of Public Safety and Service. Major changes in the approved site plan (such as revised density or alterations in common open space areas) must be approved by the Planning Commission.
- D. Addition to Planned Unit Development. Any area of land contiguous to a planned unit development may be added thereto and shall be subject to all procedural and substantive regulations applicable to planned unit development. The gross density in a planned unit development, including additions, shall not exceed the maximum density established for the original planned unit development.