

Planned Unit Development (PUD) Analysis Memorandum

Appendix

The following pages contain the exact PDF/text language from the respective peer-cities Planned Unit Development chapters.

CITY OF AURORA

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export.amlegal.com/api/export-requests/86c2e847-c093-4d36-a7cb-80425378b6bc/download/**CHAPTER 1171****PD Planned Development District****1171.01 Permitted Uses.****1171.02 Conditional Uses.****1171.03 General Regulations.****1171.04 Area, Height and Parking Regulations.****1171.05 Development Plan Approval.****1171.06 Compliance With Approved Development Plan.****1171.01 PERMITTED USES.**

- (a) Single-family residential dwellings.
- (b) Dwelling units in multifamily dwellings not to exceed one half of the total number of dwelling units which the developer intends to place in the district and the aforesaid ratio shall be maintained within each phase of the development.
- (c) Public outdoor recreation facilities or private outdoor recreation facilities, open space, and restricted open space.

(Ord. 2000-143. Passed 6-26-00.)

1171.02 CONDITIONAL USES.

Any conditional use listed in Table 1153.01 for any residential district may also be applied for as a conditional use in the residential areas of a PD District. Any conditional use listed in Table 1153.01 for any commercial district may also be applied for as a conditional use in the commercial areas of a PD District.

(Ord. 2000-143. Passed 6-26-00.)

1171.03 GENERAL REGULATIONS.

- (a) All land within the Planned Development District shall be contiguous and shall not be divided into parts:
 - (1) By any existing or proposed major or secondary road; or
 - (2) By any area of land not included within the District.

The existence of electrical transmission lines, transmission pipes or other rights of way within the District shall not be considered in determining whether the land within the District is contiguous. Requirements listed in subsection (a)(2) and (3) hereof may be waived by the Planning Commission with the approval of Council if it determines that the division of land into parts would not destroy the integrity of the District and not otherwise adversely effect the goals and purposes of this Chapter. In no event, however, shall the District be divided into parts by a major or secondary road.

(b) All land within the District shall be under common ownership prior to approval of any final plat for the District or any part of the District. The PUD applications may be filed by any owner of record of land to be included within the development or any holder of an equitable interest in such property. However, all recorded owner or owners of property included in the development shall sign the application and indicate their agreement to the rezoning of the property. Further, prior to approval of the development plan, one person or entity shall have been designated by all owners as the entity responsible for the development of the District and a single entity or person or group of persons who shall hold title in common shall have an option to purchase all properties within the development not then owned by it.

(c) If no substantial development has occurred within the District within two years after the date of Council's approval of the Development Plan, the approved development plan shall become null and void and a new plan shall be required for any development on the subject property. Further, Council may determine that the project has been abandoned and rezone the property to the zoning which existed for the property prior to approval of the Development Plan.

(d) The provisions of this Chapter shall apply to those properties designated within the PD Planned Development District prior to November 2, 1999. The Zoning Map shall not be amended to expand existing or to create new PD Planned Development Districts.

(Ord. 1999-156. Passed 7-26-99. Approved by voters 11-2-99.)

(e) Amendments to previously approved development plans for PD Planned Development Districts shall only be approved in conformance to the updated PD regulations and in conformance with the intent and specific provisions of all other applicable plans and regulations adopted by the City.

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(Ord. 2000-143. Passed 6-26-00.)

1171.04 AREA, HEIGHT AND PARKING REGULATIONS.

- (a) The maximum density of residential development shall be two (2) dwelling units per acre.
- (b) All building within a Planned Development District shall be separated from other buildings, not structurally joined, by a distance greater or equal to that required by the applicable building codes, as adopted, modified or amended by Chapter 1303 of the Codified Ordinances, whichever is more restrictive. In addition, all buildings containing dwelling units shall be separated from all other buildings, not structurally joined, containing dwelling units or devoted to recreational use by a distance sufficient to provide adequate light and air; privacy for occupants; and ingress and egress of occupants and of safety and sanitation personnel. In determining the sufficiency of the distance between buildings containing dwelling units, the Planning Commission shall consider the location, design and height of such building and of the adjacent buildings; the use of the adjacent buildings; the location of sidewalks; the flow of pedestrian traffic; and the adequacy of screening separating the buildings.
- (c) In the event title to the land is conveyed with title to the dwelling unit (non- condominium) the following lot and set back regulations shall be applicable:
- (1) The minimum lot area for single-family dwelling shall be fourteen thousand five hundred (14,500) square feet with the average of single-family lot sizes not less than sixteen thousand five hundred (16,500) square feet.
 - (2) The minimum yard requirements for single-family dwellings shall be as follows:
 - A. Front yard depth, twenty-five (25) feet;
 - B. Rear yard depth, ten (10) feet; and
 - C. Side yard width, five (5) feet for either side yard with the sum of both side yards not less than twenty (20) feet.
 - (3) The minimum yard requirements for multi-family dwellings shall be as follows:

Front yard depth, twenty-five (25) feet plus one (1) foot for each two (2) feet of height of the multi-family dwelling structure.
 - (d) The minimum living floor area per family shall be as follows:
 - (1) Single-family dwellings, as required in the R-4 Residence District, in Table 1155.06; and
 - (2) Multi-family dwellings, five hundred (500) square feet plus one hundred fifty (150) square feet for each bedroom in the dwelling unit.
 - (e) No structure shall exceed thirty-five (35) feet in height.
 - (f) Off-street parking shall be as regulated by Chapter 1163.
 - (g) At least twenty percent (20%) of the total acres in a proposed development permitted by this District shall be devoted to public and/or private open space or recreational facilities exclusive of parking areas and single-family residential lots.
 - (h) Fences shall conform to the provisions of Section 1153.04, except that the Planning Commission may approve special provisions for the regulation of fences within the planned development based on a scheme integrated with the design of the development.
 - (i) No structure shall be located closer than seventy-five feet from any public road right-of-way line or boundary of the District.
- (Ord. 2000-143. Passed 6-26-00;Ord. 2003-059. Passed 6-12-03.)

1171.05 DEVELOPMENT PLAN APPROVAL.

In addition to complying with the requirements of Section 1139.05 an applicant for rezoning to the Planned Development District shall submit a development plan for the development of the area requested to be rezoned. Such plan shall show the following:

- (a) The boundaries of the area requested to be rezoned;
- (b) A tabular summary of the total acreage of the proposed development and the maximum allowable number of dwelling units;
- (c) The topography of the District, including contours of no greater vertical interval than two feet;
- (d) The proposed road system and general pedestrian circulation system for the proposed development;
- (e) The proposed locations of all areas for single-family and multi-family dwellings and all nonresidential structures;
- (f) The general plan for proposed sewer and water facilities; and

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- (g) The proposed reservations for recreational areas, including parks and playgrounds, open spaces and other community facilities, with a statement of the proposed methods to be employed to preserve and maintain recreational areas, open spaces and ponds and lakes.

(Ord. 2000-143. Passed 6-26-00.)

1171.06 COMPLIANCE WITH APPROVED DEVELOPMENT PLAN.

Any land rezoned to the Planned Development District under the provisions of this Chapter shall be developed in the following respects and according to the development plan submitted and approved by the Planning Commission and Council:

- (a) Single-family residential development and multi-family residential development shall conform to the areas indicated for the respective types of residential development on the approved development plan, except that in any area designated for multi-family residential development on the approved development plan a single-family residential development may be constructed in lieu thereof according to restrictions applicable to single-family residential development.
- (b) Recreational areas and open spaces shall be developed as indicated on the approved development plan or according to amendments approved by the Planning Commission.
- (c) Multi-family structures exceeding three stories shall be developed according to Commission and Council approved site plans, which shall include building ground floor and building location plans and elevations showing the height of the proposed structure.

Any proposed change from the approved development plan in respect to the compliance with the development plan as required by this chapter shall be allowed only upon approval by Council following recommendations by the Planning Commission.

(Ord. 2000-143. Passed 6-26-00.)

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CITY OF TWINSBURG

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1106.07 PUD PLANNED DEVELOPMENT ZONE.

(a) Purpose. This zone is established to provide for large-scale residential development along with commercial use areas in an integrated and harmonious manner, accommodating a variety of housing types with common open space areas within a single development area.

(b) Governing Tables. In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the standards specified:

(1) Table 1108.02-A: Residential Zones Use Permissions shall govern the uses allowed within each residential zone.

(2) Table 1113.02-A: Residential Zones Dimensional Standards shall govern the dimensional development standard within each residential zone.

(c) Zone Use and Dimensional Standards Tables. The following tables provide applicable use permissions (see Table 1106.07-A: PUD Zone Use Permissions) and dimensional standards (see Table 1106.07-B: PUD Zone Dimensional Standards).

Table 1106.07-A: PUD Zone Use Permissions

Use Name	Use-Specific Standards	PUD Zone
• = Allowed with Permit , = Conditionally Allowed (A) = Allowed as Accessory Use		
RESIDENTIAL USES		
One-Unit Dwelling		•
Attached One-Unit Dwelling		,
Life-Care Facilities		,
Multi-Unit Dwelling		•
NON-RESIDENTIAL USES		
Child Day Care Center		,
Drive-Up Service Window		,
Group Fitness Instruction		,
Office (Medical)		•
Office (Non-Medical)		•
Recreation Use, Outdoor		, ⁽¹⁾
Religious Institution		,
Retail Sales (Perishable Goods)		•
Retail Sales (Non-Perishable Goods)		•
Service-Oriented Use		•
Telecommunication Tower	1111.09	,
Utility Facilities		,
ACCESSORY USES		
Attached Accessory Dwelling Unit	1111.01	(A)
Attached or Detached Accessory Uses	1109.01	(A)

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Automotive Charging Service		(A)
Home Occupation	1111.07	(A)
Solar Energy Collection System	1111.08	(A)
Wind Energy Turbine	1111.11	(A)

Table Notes:

(1) Conditionally permitted on HOA or publicly owned lands

Table 1106.07-B: PUD Zone Dimensional Standards

Standards	PUD Zone ⁽¹⁾
LOT STANDARDS	
Lot Area (Min.)	See table notes 1 and 2
Impervious Surface Area (max.)	30%
Development Open Space Set-Aside (min.)	20% of gross development area acreage
Lot Frontage (Min.)	90 feet
SETBACKS AND BUILDINGS	
Setback from Front Lot Lines (min.)	50 feet
Setback from Rear Lot Lines (min.)	50 feet
Setback from Side Lot Lines (min.)	15 feet
Building Height (max.)	35 feet
Principal Dwelling Floor Area (min.)	1,500 square feet (3)

Table Notes:

(1) The dimensional standards applicable to individual PUD developments that are made part of a duly executed development agreement with the City of Twinsburg may be modified where such development agreement applies specific dimensional standards. Where a duly executed development agreement for a PUD is silent on a given dimensional standard, the applicable standard(s) of this table shall govern.

(2) PUDs require a minimum development area of 200 acres.

(3) Replacement of nonconforming dwellings shall be subject to the provisions of Title 5 - Nonconformities (Ord. 68-24. Passed by Electorate 11-7-24.)

CITY OF BRECKSVILLE

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CHAPTER 1195: PLANNED DEVELOPMENT AREAS

Section

1195.01	Intent
1195.02	Submittal of plans
1195.03	Preliminary development plans
1195.04	Planning Commission action
1195.05	Council action; authority to proceed
1195.06	Final development plans
1195.07	Performance guarantee
1195.08	Issuance of soil removal and building permits
1195.09	Amendments to plans
1195.10	Time limit on planned development area permit
1195.11 - 1195.14	[Reserved]
1195.15	Inspection and maintenance of common property

Cross-reference:*Definitions for maps, plans and plats, see § 1113.15**Fees for development plan approvals, see § 1101.02**Fees for hearing; exceptions, see § 1101.01**Plans and plats, see Ch. 1121**Soil removal and drainage, see Ch. 1175**Standards and criteria, see Ch. 1179**Standards for areas of irregular topography in certain residential districts, see Ch. 1193***§ 1195.01 INTENT.**

Procedures for making applications, reviews, reports, amendments, approvals and the administration of Planned Development Area Projects are hereby established to achieve, among others, the following purposes:

- (a) To assure that a proposal of a single operation or a series of operations

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will be developed according to the intent of the Planning and Zoning Code;

(b) To provide the opportunity for the review, control and coordination of building layout and design in conjunction with the design of the site and the surrounding area;

(c) To assure that developments will be planned in accordance with the objectives of the Master Plan.

('64 Code, § 1195.01) (Ord. 2287, approved by voters 6-6-78)

§ 1195.02 SUBMITTAL OF PLANS.

(a) The applicant desiring approval for development under the provisions of this chapter, is encouraged to seek the advice of professional designers, architects, planners, engineers and lawyers in the preparation of plans and documents.

(b) Development plans involving subdivision of land may be combined and processed with the required plans and plats of Chapter 1121. Wherever the land subdividing procedures of Chapter 1115 or the procedures of any other chapter may be in conflict or inconsistent with the procedures in this chapter, the procedures of this chapter shall govern the application for a development area. Conditional use permits shall be processed with the preliminary development plans.

(c) Preliminary and final development plans shall be prepared for review by the Planning Commission and approved by Council.

(1) *Types of projects requiring review.* Development plan review shall be required for the following types of projects:

A. New construction of all uses in the Community Facility and Planned Development Overlay Districts.

B. New construction of conditional uses in any district, including Planned Development Areas.

C. Any existing development meeting the criteria of A. or B. above which proposes to alter, reconstruct or otherwise modify a use or site including any of the following: modifying the exterior of existing buildings in any way except for exact replacement of materials, or modifying the site in any way including increasing or decreasing the amount of pavement, changing the circulation patterns of parking lots and/or aisles, installing or modifying accessory structures such as air conditioning units,

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dumpsters, etc., and changes in land forms such as the height or width of berms.

(2) *Filing.* Nine (9) copies of the complete application and plans shall be filed with the Building Commissioner and accompanied by a receipt certifying payment of required fees as established by the schedule of fees. Copies of the application are for review by the Planning Commission members and agencies or consultants invited to review the plans pursuant to § 1195.04. Prior to the regular Planning Commission meeting at which the Commission is expected to act on the application, the applicant should revise the application based on comments received from the review pursuant to § 1195.04 and submit nine (9) copies of the revised application to the Building Commissioner.

(3) *Review fees.* At the time the initial application is filed, the applicant shall deposit a check payable to the city in the amount as established by the schedule of fees, by ordinance, along with the application, to be credited to the General Fund for the exclusive use of defraying any expenses incurred by the city in reviewing the applications.

('64 Code, § 1195.02) (Ord. 2287, approved by voters 6-6-78; Am. Ord. 3580, passed 8-5-97)

§ 1195.03 PRELIMINARY DEVELOPMENT PLANS.

The application shall indicate the name and address of the owner or owners and his agent. The preliminary development plans shall be drawn to a scale of not less than one inch equals 50 feet and include the following:

(a) *Plat, plot plan.* Plat, property lines of the parcel or parcels proposed for development including existing utilities, easements, streets rights-of-way and locations of existing main buildings and land uses on adjacent parcels and across existing streets. Permanent parcel numbers of the development and adjacent parcels shall be included.

(b) *Topography.* Topographic maps showing existing and generally proposed grading contours at not greater than two (2) foot intervals including integration into and topography on adjacent properties, all existing buildings, wooded areas and, the identification of trees with a D.B.H. of six (6) inches or greater as required by § 915.05 of the Tree Savings Plan, and land within the Flood Plain District. The topography may be included on the plot plan.

(c) *Main and accessory buildings.* The number, preliminary location and grouping of dwelling units, nonresidential uses, recreational facilities and public uses

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including typical floor plans, elevations and architectural designs which depict the general character, scale, roof lines and materials of the proposed buildings.

(d) *Vehicular and pedestrian circulation.* The preliminary vehicular and pedestrian circulation systems including streets, drives, driveways, parking areas and walkways.

(e) *Common open space and recreational areas.* The system of common open spaces and recreational areas and uses, with estimates of acreage to be dedicated and that to be retained in common ownership.

(f) *Site improvements.* Other site improvements on a preliminary basis including drainage, typical landscaping, outdoor lighting fixtures and signs.

(g) *Easements and deed restrictions.* Preliminary statements on the type, location, extent and legal restrictions including how the problems of maintenance and ownership of common areas will be resolved by easements and deeds.

(h) *Soil report.* Where extensive grading is proposed a report by the Cuyahoga Soil and Water Conservation District on the soils, erosion and sediment control measures as may be required at the option of the Commission and included in the preliminary application. The grading plan, site improvements and soil report may be combined with the other required information for the report and plans as may be required in Chapter 1175 for a permit for soil removal.

(i) *Requirements and variances listed.* All land planning and zoning regulations, standards and criteria complied with by specific code number and name listed in one table on the plans. Any noncompliance, variances and exceptions expected or anticipated shall also be listed on the plans. Criteria used by the developer or architect should also be listed.

(j) *Such other information, plans or data as the Commission may require.*

('64 Code, § 1195.03) (Ord. 2287, approved by voters 6-6-78; Am. Ord. 3580, passed 8-5-97; Am. Ord. 3824, passed 8-1-00)

§ 1195.04 PLANNING COMMISSION ACTION.

(a) Whenever the Planning Commission has received an application and all of the required maps, drawings, data and plans, a preliminary discussion for course of action on the application shall be held at the next regular meeting, provided it is received in sufficient time to be accommodated on the agenda.

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(b) The Commission in addition to its review, may refer the development plans to any interested agencies, its planning and architectural consultants, and to the City Engineer and Architect for preliminary review, comments and recommendations including improvements. Review of the development plans shall consist of:

(1) Compliance with all relevant land planning and zoning regulations, standards and criteria, including that of Chapter 1196.

(2) Coordination and integration of the development with the surrounding natural features.

(3) Coordination and integration of the development within the surrounding developments considering both site development and architecture. The developer may be required to conform within a local overall plan for the area established by the Commission.

(4) Conformance with the components of the Master Plan. The City's Master Plan shall serve as an overall planning guide for all developments.

(c) After reviewing the aforementioned comments and recommendations and noting any nonconformance, the Commission may require the plans to be revised prior to setting a date for a public hearing. This public hearing shall also satisfy the public hearing requirements for a conditional use permit. Notice of the time and place of the public hearing shall be provided at least ten (10) days prior to the date of the hearing by being published at least once in a newspaper of general circulation in the city and mailed to the owners, as shown on the current records of the County Recorder, of contiguous properties and any other property owners deemed by the Planning Commission as affected by the proposed development. Failure of delivery or receipt of such notice shall not invalidate the proceedings. All applicable fees shall be paid by the applicant prior to notice of the public hearing. The applicant shall present at the public hearing all plans and information required for preliminary approval and approval of the conditional use permit. Within seventy five (75) days after the completion of the public hearing, the Commission, at a regular meeting, shall recommend to Council the approval, approval with modifications or conditions, or denial of the conditional use permit and preliminary development plans.

(d) The Commission's recommendations, findings, all noncompliances, variances, exceptions and special conditions necessary to carry out the purpose of the development shall be contained in a report and submitted to Council.

If the Commission fails to recommend approval of the conditional use permit and development plans, it shall state in its records the reason or reasons for such disapproval.

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(e) Upon approval by Council pursuant to § 1195.05(a) of the Commission's recommendation, the Chairman and Secretary shall affix their signatures to approved copies of the plans. In the absence of the Chairman or Secretary, the Vice-Chairman may sign the plans. The approval shall be subject to all conditions and modifications imposed by Council.

('64 Code, § 1195.04) (Ord. 2287, approved by voters 6-6-78; Am. Ord. 3580, passed 8-5-97)

§ 1195.05 COUNCIL ACTION; AUTHORITY TO PROCEED.

(a) Within sixty (60) days after the Commission's recommendation, Council shall approve as recommended by the Commission, approve with modifications or additional conditions, or deny the conditional use permit and preliminary development area plans in whole or in part.

(b) Approval, or approval subject to modification of the development plans by Council, authorizes the developer to proceed with preparation of final development plans. Approval of the preliminary plan by Council assures the developer that for a one-year period from the date of such approval:

(1) The location and arrangement of buildings, walks, parking and loading facilities, landscaped areas, courts and malls may serve as the basis of the final development plan;

(2) The general terms and any special conditions under which the approval of the preliminary development area plan was granted shall not be changed; and

(3) If a final development plan, pursuant to § 1195.06 has not been submitted within one (1) year from the date of approval of the preliminary plan by Council, the approval of the preliminary plan shall become null and void. However, prior to one (1) year from such date of approval of the preliminary plan by Council, the applicant may request in writing to the Chairman of the Commission that the time limit be extended. Such reasonably extended period may be recommended by the Commission and approved by Council.

('64 Code, § 1195.05) (Ord. 2287, approved by voters 6-6-78; Am. Ord. 3580, passed 8-5-97)

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§ 1195.06 FINAL DEVELOPMENT PLANS.

Following approval of the preliminary development plans, the developer shall proceed to prepare final development plans for all or part of the proposed development. Final development plans shall contain the information in the preliminary development plans pursuant to § 1195.03; incorporate such revisions as described by the Commission, the City Engineer and Council; and be submitted according to the provisions of this section.

(a) *Filing.* Nine (9) copies of the completed final application and plans shall be filed with the Building Commissioner and accompanied by a receipt certifying payment of required fees as established by the schedule of fees. Copies of the application are for review by the Planning Commission members and agencies or consultants invited to review the plans by the Commission.

Prior to the regular Planning Commission meeting at which the Commission is expected to act on the application, the applicant shall revise the application based on comments received from the review and submit nine (9) copies of the revised application to the Building Commissioner.

(b) *Application for final approval contents.* The application shall include, in final form, all drawings, specifications, covenants, easements and other documents required for the preliminary development plans including but not limited to:

(1) Subdivision plat map and plans to be approved in accord with the requirements and procedures of the subdivision regulations simultaneous with approval of the application for final approval.

(2) Site plan drawings and specifications for all streets, parking areas, rights-of-way, easements, pavements, utilities, street lighting and site improvements, including any proposed outdoor trash storage.

(3) Drawings and specifications for all buildings showing floor plans, elevations, designs, locations of proposed buildings and existing buildings to be retained, materials and color. Elevations shall include a front, rear and two side elevations, together with additional views or cross sections, if necessary, to completely depict the exterior appearance of the structure. All elevations shall be drawn to the same scale, which shall be not less than one-eighth of an inch to the foot. Each elevation shall show the accurate location of windows, doors, portals and other architectural features, all materials and finishes, and an accurate finish grade line. Colored renderings and photographs of the site shall accompany the elevations as necessary to convey the appearance of the structure. Rooftop and any other storage

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equipment shall be shown and screened from public view. Floor plans, elevations and designs of typical representative buildings may, at the discretion of the Planning Commission, be accepted.

(4) Drawings and specifications of landscape plans for all public and private lands, including grading, planting, walks, recreation areas, materials, constructions, walls, fences, patios and treatment of parking areas. Integration into the adjoining property topography and planting areas shall be included. The specifications of the plantings shall include name (Latin and common), number and size at planting and at full growth.

(5) Final form of covenants, legal agreements, documents, deed restrictions, assessments, easements, proposed deeds of dedication, by laws of home associations, deeds of condominium ownership and any other such agreements or documents as may be required for the transfer of land and structures to public and common ownership and the development, maintenance and resale, lease, sublease or repurchase of the same thereafter.

(6) All areas proposed for dedication to the city must be acceptable as to size, shape, location and improvement and shown by the applicant to be of benefit to the general public.

A. Title of all land dedicated to public use shall be unencumbered at the time of conveyance.

B. All areas shall be fully improved by the applicant, as required by the Planning Commission and the Council, including all utilities, public walkways and streets through or abutting the property.

(7) For all areas proposed for common ownership by the residents of an area or neighborhood, all rights of development other than for the use specified in the total plan of development shall be reserved in the city. However, each proposal for such use, including parking areas, private access ways, private parks and recreational facilities, and common service facilities shall be accompanied by appropriate legal documents which provide for the management and maintenance of common facilities. Legal instruments providing for dedications, covenants, home associations and subdivision controls shall:

A. Place title of common property in a form of common ownership by the residents of the area, such as, a duly constituted and legally responsible home association, cooperative, and the like;

B. Appropriately limit the use of common property;

C. Place responsibility for management and maintenance of

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common property. The Mayor and Council at its discretion, may require the applicant to enter into a contract with the city for maintenance of commonly held properties;

D. Place responsibility for enforcement of covenants; and

E. Permit the subjection of each lot or dwelling unit to assessment for its proportionate share of maintenance costs.

(8) *Development of common and public areas.* Detailed estimates of the costs of maintenance of all common and proposed public areas and facilities, shall be provided by the developer. All common property shall be fully improved by the applicant, as required by Council and the Planning Commission, including all utilities, public walkways and streets through or abutting the property, grading, landscaping and other appurtenances.

(9) *Construction schedule.* A final schedule of development indicating when construction of all component parts proposed for a site or area will be completed.

(10) *Construction plans and sureties.* Project and engineering drawings for all public and private improvements, construction schedules and required sureties.

(11) *Additional information.* All additional drawings, estimates and material deemed necessary by the Planning Commission to properly review the various elements of the application for final approval.

(c) *Planning Commission action.*

(1) The Commission shall review the documents and final plans for conformance with relevant Planning and Zoning regulations, standards, and criteria, including the Design Review Guidelines set forth in Chapter 1196, and the general terms and special conditions under approval of the preliminary development plans were granted. The Commission may refer the documents and plans to its consultants for review.

(2) Public hearings required by other chapters of the Planning and Zoning Code, procedures thereof and required actions by the Planning Commission, shall be in accordance with the procedures of § 1195.04(c).

(3) In its review of a development plan for a conditionally permitted Planned Development Area in a residential district, the Commission may approve design parameters submitted by the applicant for one-family detached dwelling units or which may be included in covenants and restrictions or other legal forms pursuant to § 1195.06(b)(5) at the discretion of the Planning Commission. Such design parameters should include several prototype designs for the individual dwelling units. In the event such design parameters are approved by the Planning Commission, subsequent review

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of each one-family detached dwelling unit may be conducted by the Building Commissioner at the time the building permit application is submitted. The Building Commissioner may approve the application when the application complies with the design parameters approved by the Planning Commission.

(4) A report of the Commission's action and any special conditions or comments on the development plans shall be submitted to Council. If the Commission fails to recommend approval of the development area plans, it shall state in its records the reason or reasons for such denial.

(5) After approval of the final development plans by Council, the Commission Chairman and Secretary shall affix their signatures to the approved plans. In the absence of either the Chairman or Secretary, the Vice Chairman may sign the plans. The approval shall be subject to all conditions and modifications imposed by Council.

(d) *Council action.* Within sixty (60) days after the Commission's recommendation, Council shall approve, approve with modifications or deny the final development area plans in whole or in part. Approval of the initial phase of final development plans by Council assures the developer that for a five-year period from approval of the initial phase, approval of any remaining preliminary plan shall continue. A two-year extension for such preliminary approval, if requested, may be granted by Council, provided good cause is demonstrated and the Planning Commission recommends such requested extension.

('64 Code, § 1195.06) (Ord. 2287, approved by voters 6-6-78; Am. Ord. 3580, passed 8-5-97; Am.Ord. 3741, passed 7-20-99)

§ 1195.07 PERFORMANCE GUARANTEE.

The developer may execute and file with the city, financial guarantees in lieu of actual installation or completion of the required improvements after approval of the final development plans.

(a) *Types of guarantees.* Such guarantees may be in the form of a performance or surety bond, a certified check or any other type of surety approved by the city. The terms of such guarantees shall be determined by the city; however, they shall not be for a longer time period than two years unless Council, by resolution, extends the time. Bonds shall be in a form substantially as shown in Appendix iii of the Subdivision Regulations.

(b) *Amount of guarantee.* The financial guarantees shall be in an amount

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equal to the estimated total cost of materials and labor required to install or construct the improvements shown on the final development plan. Such costs shall be determined by the City Engineer. When any portion of an improvement has, upon inspection, been found satisfactorily completed, a reduction in the bonds, or partial withdrawal of funds equal to the estimated costs of such completed improvements, may be authorized.

(c) *Stage development.* If a developer applies for and receives final approval of only a portion of the development plan, the required guarantee shall not exceed the cost equal to the cost of planned improvements as listed in division (b) hereof on the proposed development.

(d) *Failure to complete improvements.* In the event the developer fails to complete the installation of all land improvements as listed in division (b) hereof, and in conformance with the final development plan as approved and according to the terms and conditions of the agreement, the city upon proper notice, may complete the same and appropriate such portion of the money or bonds posted for the performance of the work.

('64 Code, § 1195.07) (Ord. 2287, approved by voters 6-6-78)

§ 1195.08 ISSUANCE OF SOIL REMOVAL AND BUILDING PERMITS.

Building permits shall also serve as the permit for the movement of soil in the development area and shall be issued by the Building Commissioner after the following conditions have been met:

(a) The buildings and uses are the same as those on the final development plans which have been approved by Council and the City Engineer.

(b) Proposed construction of buildings and uses comply with the Building Code and with all other city or state regulations.

(c) Satisfactory performance guarantees have been received by the city.

('64 Code, § 1195.08) (Ord. 2287, approved by voters 6-6-78)

§ 1195.09 AMENDMENTS TO PLANS.

At any time after the approval of preliminary or final development plans, the developer may request an amendment of his plans. The request for each amendment shall be filed with the Building Commissioner and shall be subject to the same

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procedures and conditions of approval as the original application.

('64 Code, § 1195.09) (Ord. 2287, approved by voters 6-6-78)

§ 1195.10 TIME LIMIT ON PLANNED DEVELOPMENT AREA PERMIT.

The permit for the planned development area shall expire after one year after approval of the final development plan if a building permit has not been issued during that time. A one-year extension for such permit, if requested, may be granted by Council, provided good cause is demonstrated and the Planning Commission recommends such requested extension.

('64 Code, § 1195.10) (Ord. 2183, passed 12-16-75; Am. Ord. 2287, approved by voters 6-6-78)

§§ 1195.11 - 1195.14 [RESERVED].**§ 1195.15 INSPECTION AND MAINTENANCE OF COMMON PROPERTY.**

(a) *Inspection and public hearing.* The Service Director shall be responsible for inspection of the condition and maintenance of all common property, and in the event that the organization established to own and maintain common property or any successor organization, shall at any time fail to maintain the common property in reasonable order and condition in accordance with the plan, the Director shall serve written notice upon such organization, and upon owners of record, setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and such notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a public hearing thereon which shall be held by the Mayor within such 30 days. At such public hearing the Mayor may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. The deficiencies set forth in the original notice or in the modifications thereof shall be cured within such 30 days, or any extension thereof.

(b) *Council action.* Council, then in order to preserve the taxable values of the properties within the neighborhood or development area and to prevent the common property from being a public nuisance, may authorize the Service Director to enter upon

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such common property and maintain and improve the same for a period of one year. Such entry improvement and maintenance shall not vest in the public any rights to use the common property. Before the expiration of such year, Council shall, upon its own initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, and to owners of record, to be held by the Mayor and Council, at which hearing such organization or the member residents shall show cause why such maintenance by the city shall not, at the election of Council, continue for a succeeding year. If Council determines that such organization is ready and able to maintain the common property at the end of the year, the city shall cease to maintain the common property at the end of such year. If Council determines such organization is not ready and able to maintain the common property in a reasonable condition, the city may, in the discretion of Council, continue to maintain such common property during the next succeeding year, and subject to a similar hearing and determination, in each year thereafter. In any case, the decision of Council shall constitute a final administrative decision subject to judicial review.

(c) *Costs as tax lien.* The cost of all aforesaid hearings and of all such maintenance by the city shall be assessed ratably against the properties that have a right of enjoyment of the common property, and shall become a tax lien on such properties. The Law Director, at the time of entering upon such common property for the purpose of improvement maintenance, shall file a notice of such lien in the office of the Cuyahoga County recorder upon the properties affected.

('64 Code, § 1195.15) (Ord. 2287, approved by voters 6-6-78)

Appendix

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Appendix**CITY OF MEDINA****CHAPTER 1114
SPD - Special Planning District**

- 1114.01 Purpose.**
- 1114.02 Designation.**
- 1114.03 Establishment of a Special Planning District.**
- 1114.04 Requirements for the establishment of SPD District.**
- 1114.05 Conceptual development plan and guidelines.**
- 1114.06 Status of uses.**
- 1114.07 General development guidelines.**
- 1114.08 Preliminary plan approval.**
- 1114.09 Submission requirements for Preliminary Plan review.**
- 1114.10 Final Site Plan approval.**
- 1114.11 Revision to approved site plan.**
- 1114.12 Relationship to the Codified Ordinances.**

CROSS REFERENCES

Definitions - see P. & Z. Ch. 1105

District established - see P. & Z. 1113.01

1114.01 PURPOSE.

The purpose of the Special Planning District is to regulate the development and use of property in areas of the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the standard zoning district regulations, and to promote creative and sensitive site planning. It is the intent of this chapter to provide for a district which will permit a greater range or mixture of compatible uses in areas than would be allowable in the standard zoning classifications of this Zoning Ordinance while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment. It is the purpose of these regulations to provide an effective method for the City to guide the development of such areas so as to preserve such unique characteristics or to provide for the greater range or mixture of land uses when appropriate.

1114.02 DESIGNATION.

The Special Planning District shall be designated by the abbreviation "SPD" followed by a number specific to the designation on the Official Zoning Map of the City. All property so classified is subject to the provisions of this chapter and an adopted ordinance pursuant to this chapter. The SPD shall replace all underlying zoning that existed on the subject properties prior to the approval of the SPD.

1114.03 ESTABLISHMENT OF A SPECIAL PLANNING DISTRICT.

The establishment of a Special Planning District (SPD) represents a formal amendment to the Zoning Ordinance and Zoning Map. The process for establishing an SPD and approving the Conceptual Development Plan and Guidelines shall be the same as provided for in Section 1107.06.

- (a) In addition to the submission requirements set forth in Section 1107.06 and 1114.05, the following data shall be required to be submitted to the Planning Director:
- (1) Present use and land subject to zone change;
 - (2) Present zoning district;
 - (3) Proposed use and plans including the proposed Conceptual Plan;
 - (4) Proposed SPD zoning district;

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- (b) All land within the SPD shall be contiguous in that it shall not be divided into segments by (1) any limited access highway, or (2) any tract of land not owned by the developer of the SPD.

1114.04 REQUIREMENTS FOR THE ESTABLISHMENT OF AN SPD DISTRICT.

In order for Council to adopt an SPD, it must first make written findings that one or more of the following conditions exist, or will exist within the proposed SPD.

- (a) A concentration of retail and service oriented commercial establishments serving as a principal business activity center for the community.
- (b) An area recommended in the Comprehensive Plan for special zoning regulations.
- (c) A property located in a transition area where there is a need to provide for a greater mixture of uses than would be permitted in standard zones of this Ordinance.
- (d) Lands which permit for ingenuity, imagination and design efforts on the part of builders, architects, site planners, and developers that can produce residential developments which are in keeping with overall land use intensity and open space objectives while departing from the strict application of use setback, height and minimum lot size requirements contained in this Ordinance.
- (e) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities which help residents relate to their communities and to relate the social organization of communities to their physical environments.

1114.05 CONCEPTUAL DEVELOPMENT PLAN AND GUIDELINES.

For each specific SPD established by the City, a separate Conceptual Development Plan with supporting Development Guidelines shall be created and adopted by Council at the time of establishment of an SPD, following the procedures set forth in this chapter, and in Chapter 1107. A Conceptual Development Plan shall be drawn to a scale of a minimum of one (1) inch equals one hundred (100) feet and shall include the following:

- (a) Circulation Plan, illustrating the basic route of major pedestrian and vehicular ways within the project and their intersection with existing rights of way.
- (b) Land Use Plan which shall include schematic presentation of basic land uses and their relationship to existing vegetation, topography, and other natural aspects of the site including descriptions of proposed uses in the non-residential portions of the site.
- (c) Density, indicating the net density of areas under review and an indication of the type(s) of structure(s).
- (d) Transitions, including visual illustrations of how transitions/ buffers will be accomplished between the SPD District and adjacent districts.
- (e) Development Guidelines for the development of the site which may include lot and yard requirements, signage, parking and landscaping controls.

The information required above may be combined in any suitable and convenient manner so long as the data required is clearly indicated. Specific submission requirements may be waived by the Planning Commission if the Commission judges the requirement to be inappropriate for the particular situation. The purpose of the Conceptual Plan is to illustrate the character of development desired by the City. The Planning Commission shall have the authority to make adjustments to an approved Conceptual Plan provided that such changes are limited to site design and configuration and do not include changes of use, density or other provisions of the Development Guidelines.

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1114.06 STATUS OF USES.

- (a) Uses within each of the SPD districts shall be depicted on the approved Conceptual Development Plan for that particular SPD. The Conceptual Development Plan may be divided into subdistricts and may contain provisions for the following:
 - (1) Principal Permitted Uses.
 - (2) Accessory Uses.
- (b) All proposed uses shall be arranged to be compatible or properly sited with each other and not to adversely affect adjacent property and/or the public health, safety or general welfare.
- (c) Open spaces, whether active or passive in nature, shall be approved by the Planning Commission as appropriate in nature for the type of SPD being established.

1114.07 GENERAL DEVELOPMENT GUIDELINES.

The following general guidelines are recommended in the development of an SPD:

- (a) Lots.
 - (1) 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 SPD plans, the Planning Commission will consider factors such as spacing necessary for adequate visual and acoustic 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.
 - (2) Because of the flexibility intended for building siting within an SPD, individual building sites should be selected on the basis of topographic, land use, visual and privacy considerations. Individual building sites shall be designated on the preliminary and final development plans.
 - (3) All buildings on the perimeter of the SPD should be separated from the SPD boundary by a yard equal to at least the yard required by the conventional zoning district directly adjacent to the SPD. Structures within the SPD which exceed the maximum building height of the adjacent conventional zoning district should be separated from the SPD perimeter by a distance equal to at least the building height. The Planning Commission may require greater distances if necessary to protect adjacent property.
- (b) Open Space.
 - (1) A minimum of twenty percent (20%) of the net area of the SPD shall be reserved in perpetuity for common open space and/or recreational facilities. Such open space should be available to and accessible to all properties in the SPD and should be designed primarily for their use. Open space, when incorporated, shall be exclusive of all streets, non-recreational buildings and individually-owned land. Design of common open space areas are recommended to consider the following standards:
 - A. Open space areas and recreation areas should be distributed throughout the SPD and located so as to be readily accessible, available to, and usable by properties in the SPD. Each parcel within the PUD should be designed to abut upon common open space areas.
 - B. 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 (5%) of the total open space area.
 - C. 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.
 - (2) The sections creating and regulating an SPD shall not be interpreted to exempt any such development from compliance with the open space provisions of Section 1113.06, Open

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Space Provisions. Public open space dedicated under the provisions of Section 1113.06 shall be included as part of the common open space implemented under this section.

- (3) Public open space and the adjacent circulation system should be designed to limit through traffic on existing and proposed local streets. Public open space which is to be developed as a major activity center such as a swimming pool or recreation center should be located on a thoroughfare designed to accommodate the resulting trip desires and traffic volumes.
- (c) Disposition of Common Open Space. An SPD 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 or such other 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. 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 or dedication of the required open space in cases where final subdivision plats are approved in stages. The amount of such bonds shall be calculated on the basis of three hundred sixty dollars (\$360.00) for each dwelling unit not provided with its full complement of open space, according to the following formula:

$$(0.03A) \cdot OS$$

$$0.3A \times DU \times \$360.00 = \text{Bond}$$
 Where A = Total area within approved final plats to date
 DU = Total dwelling units approved on final plats to date
 OS = Total open space approved on final plats to date
- (d) Circulation. Vehicular and pedestrian circulation systems should be designed to insure safe, efficient movement through the SPD and into the surrounding street systems. Design of circulation systems should consider the following standards:
 - (1) Safe and easy access by emergency vehicles is provided for all areas of the SPD.
 - (2) There should not be any direct access from single-family residential lots to an arterial thoroughfare. Direct access from single-family residential lots to collector thoroughfares should be minimized.
 - (3) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within the SPD should be designed to discourage their use by through traffic.
 - (4) The pedestrian and bicycle circulation system and their related walkways should be insulated as much as possible from the vehicular system in order to provide separation of

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- 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.
- (5) Standards for design and construction of streets and thoroughfares within an SPD shall be subject to standards specified in the Subdivision Regulations.
- (e) Utilities. Utilities shall be located underground, including telephone and electrical systems, within the limits of the SPD. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed SPD.
- (f) Commercial and Institutional Uses.
- (1) Commercial, service, industrial or institutional uses should be planned as groups having common/shared parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Appropriate buffering should be provided on the perimeter of the commercial or institutional areas where abutting residential areas.
 - (2) All areas designed for future expansion or not intended for immediate improvement or development should be landscaped or otherwise maintained in a neat and orderly manner.

1114.08 PRELIMINARY PLAN APPROVAL.

- (a) Once an SPD District is established through the review and approval by Planning Commission and City Council, along with its Conceptual Development Plan and supporting Development Guidelines, the next step is Preliminary Plan approval. There are no time constraints as to when the Preliminary Plan must be submitted after the establishment of an SPD District. The purpose of a Preliminary Plan is to define in greater detail the proposed development of an SPD District to ensure that there is conformance with the Conceptual Development Plan and Development Guidelines prior to substantial cost expenditures by the developer.
- (b) Application for approval of a Preliminary Development Plan shall be made to the Planning Commission. The Planning Commission shall review the proposed Preliminary Plan at one or more of its regular meetings, and within forty-five (45) days after the date of the submission of the proposed Preliminary Plan, approve, approve with modification or disapprove the application. The Planning Commission shall review the Preliminary Plan to see if it is in conformance with the approved Conceptual Plan and Development Guidelines. Submission of a Preliminary Development Plan may be made for all or a portion of a tract covered by the existing Conceptual Development Plan.
- (c) If the Preliminary Plan is not found to be in compliance with the Conceptual Development Plan by the Planning Commission, the applicant may go to City Council for the approval of a new Conceptual Development Plan, in which case the procedures set forth in Sections 1114.05, 1114.06 and 1107.06 shall be followed.

1114.09 SUBMISSION REQUIREMENTS FOR PRELIMINARY PLAN REVIEW.

Preliminary Plans shall be drawn to a scale of a minimum of one (1) inch equals fifty (50) feet and shall be in conformity to the Conceptual Development Plan and shall include the following as a minimum:

- (a) Area. The total area in the project;
- (b) Zones. The present zoning of the subject and all adjacent properties;
- (c) Rights-of-way and Easements. Shall include all existing and proposed public and private rights of way and easements located on or adjacent to the subject property;
- (d) Topography. Existing and proposed topographical changes;

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- (e) Utilities on and Adjacent to the Site. Location, size and invert elevations of sanitary and storm sewers; location and size of water mains and fire hydrants. If water mains, sewers and/or culverts are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers and culverts;
- (f) Streets. Location of existing and proposed streets, identifying approximate dimensions of pavement, right-of-way width and grades sufficient enough to show both internal and external connections to the existing street system. Furthermore, an estimate of the number of vehicle trips generated shall be required. In certain circumstances, the Planning Commission may require the submission of a Traffic Impact Study, at the expense of the applicant, to determine the impact of the new vehicle trips on the existing roadway network;
- (g) Pedestrian Circulation. Location of existing and proposed pedestrian sidewalks, walkways, bikeways;
- (h) Buildings. Location of existing and proposed buildings and intended uses, and acres proposed for each use. Identify the proposed length, width, and height of each building. Also include data on proposed gross floor areas and identify the proposed architectural theme;
- (i) Lot Coverage. Identify the percent coverage of lots in the SPD.
- (j) Open Space and Recreation. The approximate amount of areas proposed for common open space, including the location of recreational facilities and identification of unique natural features to be retained;
- (k) Uses. Location and type of all existing and proposed uses, including approximate number of acreage and heights of buildings;
- (l) Soil Types. Identification of the soil types and geologic formation on the subject property, indicating any anticipated problems and proposed methods of handling said problems;
- (m) Parking and Loading. General size and location of existing and proposed parking and loading facilities;
- (n) Landscaping Plan. Preliminary landscaping and buffering outline plan;
- (o) Other information that may be determined necessary for description and/or to insure proper integration of the proposed project with the area.

1114.10 FINAL SITE PLAN APPROVAL.

After a Preliminary Plan in a Special Planning District (SPD) has been reviewed and approved by the Planning Commission, the next step is Final Site Plan approval. Final Site Plans shall be reviewed by the Planning Commission in accordance with the existing Site Plan Review procedure found in Chapter 1109 and with additional Development Guidelines review criteria adopted for each Special Planning District.

In addition to the Site Plan Review list of data required with application as set forth in Chapter 1109, the Planning Commission shall have other data requirements for reviewing Final Site Development Plans, which shall be at a scale of one (1) inch equals fifty (50) feet and shall include the following additional information:

- (a) Buildings. Location, height, elevations, arrangement, and identification of all buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions shall be provided;
- (b) Open Space and Recreation. Location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership and operations and maintenance of such lands shall be identified;
- (c) Landscaping Plan. Include identification of planting areas, species and size of plants and the location, type and height of walls and fences shall be provided; also any vegetative buffers;

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Chapter 1114: SPD - Special Planning District

- (d) Signs. Location of signs indicating their orientation, lighting, size and height;
- (e) Stormwater Detention. Including a system of stormwater control for runoff and detention for both before and after construction;
- (f) Utilities. Indicate location of other utilities such as electric, telephone, cable television, etc. including the type of service, and the width of easements;
- (g) Circulation System. Location of all proposed and existing pedestrian and vehicular systems shall be identified;
 - (1) Pedestrian walkways, and bikeways including alignment, grades, type of surfacing and width; and
 - (2) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details and typical cross section.
- (h) Lighting. Exterior lighting and any street furniture or outdoor decorative structures proposed, refuse storage areas and proposed method of screening;
- (i) Development Schedule. A schedule of development, including the staging or phasing of:
 - (1) Streets, utilities and other public facility improvements, in order of priority;
 - (2) Public/Common Area - dedication of land to public use or set aside for common ownership;
 - (3) Buildings and uses, in order of priority of construction.

The aforementioned information may be combined in any suitable and convenient manner that clearly represents the required data. Specific submission requirements may be waived by the Planning Commission if the requirements are judged inapplicable for the particular situation.

No building permit shall be issued nor any plans be approved for zoning compliance in any of the SPD Districts/ subdistricts unless there are Preliminary and Final Site Plans approved by the Planning Commission. The Planning Commission shall review the Final Site Plan to see if it is in conformance with the approved Conceptual Plan and Preliminary Plan. Simultaneous submission of a Preliminary Site Plan and a Final Site Plan is not permitted. Action by the Planning Commission on Final Site Plan approval is final. Such action may be appealed in accordance with Ohio law.

1114.11 REVISION TO APPROVED SITE PLAN.

After the Final Site Plan has been approved by the Planning Commission, the following provisions will apply to substantial changes made to the Site Plan:

- (a) Substantial Variations. New plans, or site design shall be submitted to the same review process as Final Site Plan Review per Chapter 1109. When changes are determined by Planning Commission to be inconsistent with the existing Conceptual Development Plan and Development Guidelines in terms of land use or density, the applicant must go to City Council for approval of a new Conceptual Development Plan per the procedures set forth in Chapters 1107 and 1114.

1114.12 RELATIONSHIP TO THE CODIFIED ORDINANCES.

The requirements for each SPD District shall be adopted as appendices to the Zoning Ordinance and shall, upon their effective date, supersede any conflicting requirements of this Zoning Ordinance. Where an SPD requirement is silent on a specific point, the appropriate sections of the Zoning Ordinance shall apply.

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CITY OF SOLON

CHAPTER 1284-A “MPD-A” (MIXED-USE PLANNING DISTRICT – A)

1284-A.01 PURPOSE:

The “MPD-A” (Mixed-Use Planning District - A) zoning classification is exclusively intended to promote the quality redevelopment of the Aurora Road/Solon Road Planning Area within the Central Retail District, in accordance with the recommendations of the City of Solon Master Plan (see Map A, below).

Map A - Boundaries of the Aurora Road/Solon Road Planning Area



As such, the “MPD-A” zoning classification is designed to accommodate comprehensively planned projects that incorporate a diverse mixture of commercial and office uses, while providing alternative housing opportunities for currently underserved markets, as determined and identified by the City of Solon. The City shall have full and complete discretion to approve, deny, or modify any site plan application, for any reason relating to the health, safety and welfare of the community,

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whether specified within the Ordinance or not. The “MPD-A” zoning classification shall exclusively be implemented through the specific approval processes established herein.

1284-A.02 PERMITTED USES:

The following residential, commercial, office and institutional uses may be permitted within a “MPD-A” (Mixed-Use Planning District - A), subject to review and approval by the Planning Commission and City Council, and in accordance with the development ratios specified herein.

1. **RESIDENTIAL USES** - The residential uses listed below may be permitted within an “MPD - A” (Mixed-Use Planning District - A). Such uses shall not occupy in excess of 33% of the total area of the Aurora Road/Solon Road Planning Area nor exceed a maximum of 200 units. Compliance with the required development ratios shall be the exclusive determination of the City of Solon. Compliance with the required development ratios shall be the exclusive determination of the City of Solon.
 - A. Townhomes;
 - B. Residential dwelling units located above and/or otherwise attached to retail, office, or institutionally used buildings;
 - C. Multi-Family Residential Buildings;
 - D. Any use that is customarily incidental and accessory to any of the above listed permitted uses, as determined by the City of Solon

2. **COMMERCIAL, OFFICE AND INSTITUTIONAL USES** – The commercial, office and institutional uses listed below may be permitted within an “MPD-A” (Mixed-Use Planning District-A). Such uses shall comprise not less than sixty seven percent (67%) of total project area and not more than ninety percent (90%) of total project area. Compliance with the required development ratios shall be the exclusive determination of the City of Solon.
 - A. Retail sales such as clothing stores, electronics stores, houseware stores, jewelers, office supply stores, bakeries, food stores, etc.;
 - B. Retail services such as beauty shops, barbers, travel agents, dry cleaners, photographers, insurance sales, etc.;
 - C. Business and professional offices, including medical and dental offices;
 - D. Sit-down restaurants;
 - E. Casual restaurants;
 - F. Fast food restaurants;

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- G. Hotels;
- H. Conference Centers and Banquet Centers;
- I. Banks and other financial institutions;
- J. Physical therapists;
- K. Child day care and pre-schools;
- L. Exercise and fitness studios;
- M. Pet shops;
- N. Colleges, Schools and Universities;
- O. Churches, Synagogues, Temples, and other places of worship;
- P. Post Office;
- Q. Parks and indoor/outdoor entertainment facilities;
- R. Any use that is determined to be substantially similar to any of the above listed Uses, as determined by the City of Solon;
- S. Any use that is customarily incidental and accessory to any of the above listed permitted uses, as determined by the City of Solon.

1284-A.03 PROHIBITED USES:

The following uses shall be prohibited within the “MPD-A” (Mixed-Use Planning District-A). This list shall be considered to be supplementary to Item 1284-A.02 (Permitted Uses) above.

1. Gasoline sales;
2. Repair shops, including but not limited to automobile repair and/or servicing;
3. Automobile sales;
4. Contractor shops and landscape businesses;
5. Tattoo Parlors and/or body piercing shops;
6. Businesses selling products commonly used for drug paraphernalia;
7. Gambling establishments, including, but not limited to, internet gambling businesses;

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8. Pawnshops, thrift stores, consignment shops, or any other businesses substantially dealing in the acquisition and/or resale of previously used goods;
9. Any use that is determined by the City of Solon to pose a general nuisance, or an imminent danger to the health, safety and welfare of the general public;
10. Any use that is determined by the City of Solon to be substantially similar to any of the above listed Prohibited Uses.

(Ordinance 2019-128, passed 07/15/19. Voters approved 11/05/19)

1284-A.04 SUMMARY OF THE “MPD-A” REVIEW AND APPROVAL PROCESS:
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An application for a proposed “MPD-A” (Mixed Use Planning District-A) project shall be subject to the following approval processes and procedures:

1. **ADMINISTRATIVE REVIEW OF THE “MPD-A” DEVELOPEMNT PLAN:** An “MPD-A” Development Plan Application (see item 1284-A.06 below) shall be submitted to the City to initiate the Administrative Review Process. The Administrative Review Process is intended to provide architectural review in accordance with Section 1289.05 of the zoning code and provide detailed site plan review and plan development in accordance with Section 1290.02, Item 1-A-1 of the zoning code.
2. **PLANNING COMMISSION REVIEW AND RECOMMENDATION OF THE “MPD-A” DEVELOPMENT PLAN:** Once the Administrative review process is completed, the applicant shall be authorized to submit the “MPD-A” Development Plan to the Planning Commission for further review in accordance with the provisions of Section 1290.02, Items 2 and 3, of the zoning code and as supplemented under Section 1284-A.06, below. The Planning Commission may recommend the modification of the plan, request additional information and reviews, and following a minimum of two (2) public hearings shall ultimately provide a recommendation to approve or deny the “MPD-A” Development Plan to City Council. However, prior to the holding of the initial required public hearing, all property owners located within a radius of one hundred (100) feet from the property on which the project would be located shall be notified by mail by the Clerk of Councils office and provided a copy of the “MPD-A” application materials. The referral from the Planning Commission shall provide recommended actions on any variances associated with the project, in accordance with the provisions of Chapter 1292 of the Zoning Code.
3. **COUNCIL APPROVAL OF THE “MPD-A” DEVELOPMENT PLAN:** Once the Planning Commission review process is complete, the “MPD-A” Development Plan shall be referred to City Council for further review and final determination. City Council shall have the authority to require the modification of the plan, request additional information and reviews, and following a minimum of one (1) public hearing, approve or deny the plan.

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Subsequent to any Council approval of a “MPD-A” Final Development Plan, the plan and any and all associated supporting documents comprising the conditions for site plan approval, shall constitute the zoning regulations for the subject area.

1284-A.06 DEVELOPMENT PLAN – APPLICATION REQUIREMENTS:

The following information and materials, below, shall be included in any application for review of an “MPD-A” (Mixed-Use Planning District- A) Development Plan:

1. **APPLICATION FORM AND COVER LETTER** - A completed “APPLICATION TO THE SOLON PLANNING COMMISSION/ COUNCIL FOR SITE PLAN REVIEW” form shall be submitted along with a cover letter reviewing the background and scope of the proposed project. The cover letter should also include an explanation of how the proposed project would advance the City Master Plan goals for the area in question, and should note any expected variances and/or anticipated challenges to successful completion of development. A specific sequence and timeline for the construction of each project phase shall also be provided.
2. **“MPD-A” SITE PLAN** - A Site Plan shall be submitted that is drawn to a scale acceptable to the City. The Site plan shall clearly indicate the following:
 - a. Location of all existing and proposed lot lines;
 - b. Location of all existing and proposed buildings and structures, including setbacks from all property lines and right of way lines, proposed height, dimensions and number of stories, and including a notation of the number and general type of individual residential and/or business unit(s) intended within each building;
 - c. Location and design details of existing and proposed parking lot provisions, including proposed dimensions and setbacks of parking spaces, aisle-ways, cross access drives and street access points;
 - d. Location and design detail of greenspaces and proposed recreation areas;
 - e. Location of floodplains, streams, bodies of water, including any wetlands as identified by the wetlands delineation required herein;
 - f. Existing and proposed site topography at one (1) foot intervals;
 - g. Location and design details of any dumpsters facilities and enclosures;
 - h. Location and design details of any loading or service areas;
 - i. Location and design details of any free standing signs;
 - j. Location and design details of any pedestrian/multipurpose circulation provisions including demonstrated compliance with ADA accessibility requirements;

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- k. Location and design details of existing and proposed onsite easements and right of ways, and demonstrated access to offsite utilities, as needed.
 - l. Location and design details of proposed storm water management areas;
 - m. Location and design details of proposed above ground mechanical equipment;
 - n. Photometric Plan, demonstrating compliance with all City of Solon lighting requirements and location and design details of all lighting fixtures and poles;
 - o. A summary table indicating total site acreage, total green space, total provided parking and total building coverage by use category in accordance with Section 1284-A.02, above.
- 3. ELEVATION PLANS** – Elevation Plans shall be submitted, drawn to a scale acceptable to the City, illustrating the front, side, and rear views of all buildings. Such Elevation Plans shall clearly indicate all proposed materials colors and architectural design. Design details shall also be provided for all above ground structures, including but not limited to signage, fencing, mechanical equipment, dumpsters, lighting poles and fixtures, benches, aesthetic amenities, etc.
- 4. LANDSCAPE PLAN** - A Landscape Plan shall be submitted indicating the location and specific design of all landscape, greenspace, and site buffering provisions. The plan shall clearly denote the location, number, spacing and height of vegetation at planting and maturity, as well as the specific proposed plant species. The plan shall also denote the location and dimensions of any proposed landscape mounds and the location, dimensions and design details of any other proposed landscape related features such as planters, fountains, art, sculpture, fences, walls, etc.
- 5. WETLANDS DELINEATION STUDY AND PLAN** - A Wetlands Delineation study shall be submitted in, a format acceptable to the City Engineer, clearly indicating the location and classification of all wetland areas located within the project site. If wetlands are proposed to be removed as part of the project plan, the proposed means and method for the removal are to be noted. The City Engineer shall have the authority to request additional studies and or information as determined necessary.
- 6. STORM WATER MANAGEMENT PLAN** – A storm water management plan shall be submitted in a format that is acceptable to the City Engineer. This plan, which shall clearly indicate the location and method by which storm water run-off is to be addressed, including detailed calculations and other supporting documentation to enable final review and approval by the City Engineer in accordance with Federal, State, Local and City requirements. The City Engineer and/or his/her designee shall complete the review of the storm water management plan and shall provide written recommendations to the Planning Commission and City Council prior to either board taking action on the proposed project.
- 7. TRAFFIC IMPACT ANALYSIS** – Any proposed development that generates more than 100 trips (in and out) in the peak hour according to the relevant model provided in the most current edition of the Institute of Traffic Engineers Trip Generation Manual, shall be subject to the

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submittal of a professionally prepared, detailed traffic impact analysis for review by the City. The proposed consultant or entity to provide the analysis shall be subject to approval by the City Engineer and shall be paid for by the property owner. The traffic analysis shall examine the likely impacts that the proposed use will have on the existing roadway system and shall identify methods for mitigating any potential negative impacts. The City Traffic Engineer, under the direction of the City Engineer and/or his/her designee, shall complete the review of the traffic impact analysis and plan and shall provide written recommendations to the Planning Commission and City Council prior to either board taking final action relating to the proposed project.

- 8. DEVELOPMENT AGREEMENT** – In addition to any plans and studies required above, a legally binding Development Agreement may be required, at the discretion of the City. The purpose of the Development Agreement shall be to further define the scope, scale, timeframes, operation, regulation and any other approval contingencies relating to the project, as deemed necessary by the Planning Commission or City Council. Any required Development Agreement shall constitute an integral and binding component of the “MPD-A” Development Plan and shall be recorded with the Cuyahoga County Recorder’s Office within 30 days of Council’s approval of the Development Plan.
- 9. SUPPLEMENTARY INFORMATION** – The Planning Commission and/or City Council shall have the authority to request any additional information, studies, plans, etc. that they consider to be necessary to make an informed decision prior to making any determination on a Development Plan application.

1284-A.07 AMENDMENT TO AN APPROVED DEVELOPMENT PLAN:

An amendment may be requested to a previously approved Development plan, by petition to City Council. Council shall have the discretion to refer the request to the Planning Commission for further study and recommendation. Following any subsequent recommendation from the Planning Commission, City Council shall have authority to amend the Final Development Plan at their discretion.

1284-A.08 COMPLIANCE WITH MINIMUM NON-RESIDENTIAL USE STANDARDS:

Unless specified otherwise within this Ordinance, an “MPD-A” (Mixed- Use Planning District-A) project shall comply with all standards that are applicable to the “C-3” (Commercial) zoning district. These shall include: building and structure design and color standards; parking requirements; landscaping and site buffering; average site lighting levels and lighting intensities at property lines; signage; as well as any other applicable nuisance and health safety welfare Ordinances and policies, as determined by the City of Solon.

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Any building and/or premises located within an “MPD-A” zoned area whose ownership determines not to be included in an “MPD-A” Final Development plan, as per the requirements of Section 1284-A.06, above, shall exclusively be governed by the zoning code requirements that are applicable to “C-3” (Commercial) zoning districts and shall be subject to all rights and restrictions provided thereunder.

1284-A.09 MINIMUM DEVELOPMENT STANDARDS:

A. LOT REQUIREMENTS:

1. **MINIMUM PROJECT AREA** - Any proposed “MPD-A” (Mixed Use Planned Development-A) project shall consist of at least six (6) contiguous acres of property under common ownership.
2. **MINIMUM PROJECT GREEN SPACE** - At least twenty five percent (25%) of the project site shall be reserved as green space.

B. BUILDING SET-BACKS AND DIMENSION REQUIREMENTS:

1. **MINIMUM SETBACK FROM PUBLIC STREETS** – A minimum setback of forty (40) feet shall be provided from any public street right of way.
2. **MAXIMUM STRUCTURE HEIGHT** - No structure may exceed sixty five (65) feet, or six (6) stories in height above finished grade. However, elevator housings or other rooftop mounted mechanical equipment may extend to a height of fifteen (15) feet above the roofline of the structure on which they are located, provided that they are set-back from all main building walls, and provided that they are designed as an integral part of the building or are otherwise enclosed with similar architectural treatment as are the main building walls.
3. **MINIMUM SET-BACK BETWEEN BUILDINGS** - A minimum setback of twenty (20) feet shall be provided between buildings on the same, or adjacent lots.

C. PARKING AREA SET-BACKS AND DIMENSION REQUIREMENTS:

1. **MINIMUM FRONT YARD SET-BACK** - Parking areas shall be located no closer than twenty (20) feet to any front property line.
2. **MINIMUM SETBACK FROM BUILDINGS** - Parking areas and street access drives shall be located no closer than ten (10) feet to any building.
3. **MINIMUM PARKING AREA GREEN SPACE:** Large unbroken parking areas shall be avoided. Therefore, no parking area shall contain more than twenty (20) spaces without interruption by green space, and at least five percent (5%) of the interior area of any parking area containing twenty-one (21) or more parking spaces shall be reserved as green space. Parking area green space shall be included in the calculation of total site green space.

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**SUMMARY TABLE OF “MPD-A” (MIXED-
USE PLANNING DISTRICT-A)
REQUIREMENTS***

LOT

MIN. PROJECT AREA.....8 ACRES

MIN. PROJECT GREENSPACE.....25% OF SITE

LAND USE MIX

MIN. RESIDENTIAL DEVELOPEMENT

ACREAGE.....10% OF SITE

MAX. RESIDENTIAL DEVELOPMENT

ACREAGE..... 33% OF SITE

**(NOT TO EXCEED 200 TOTAL
DWELLING UNITS)**

MIN. NON-RESIDENTIAL DEVELOPEMNT

ACREAGE.....67 % OF SITE

MAX. NON- RESIDENTIAL DEVELOPMENT

ACREAGE.....90% OF SITE

SET-BACKS

MIN. SET-BACK OF BUILDINGS FROM STREET

RIGHT OF WAYS.....40 FEET

MIN. SET-BACK OF PARKING AREAS FROM STREET

RIGHT OF WAYS.....20 FEET

MAX. BUILDING HEIGHT65 FEET

(NOT TO EXCEED 6 STORIES)

** SEE TEXT FOR COMPLETE REQUIREMENTS*

Appendix

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