

#### **1109.05 Planned Unit Development ~~Overlay~~ District**

- (a) Purpose: The purpose of the Planned Unit Development (“PUD”) District is to:
  - (1) Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
  - (2) Encourage flexibility in the design of developments, specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
  - (3) Provide harmonious transitions between uses by utilizing land uses, landscape buffers, or other similar techniques.
  - (4) Allow for the development of infill sites and the redevelopment of existing sites in creative manners that respect existing circumstances, adjacent land uses, landscape buffers, or other similar techniques.
  - (5) Allow for safe and efficient transportation networks that accommodate automobiles, bicycles, and pedestrians.
- (b) Applicability
  - (1) Existing Planned Unit Development Districts
    - (A) Existing Planned Unit Development Districts approved by the City of Franklin will remain in existence, and their development plans continue to be enforced.
    - (B) Modifications to existing Planned Unit Development Districts shall comply with the regulations contained in Section 1109.05(f).
  - (2) New Planned Unit Development Districts: New Planned Unit Development Districts shall comply with the regulations contained within this Section and this UDO.
- (c) Establishment of a Planned Unit Development: All approved Planned Unit Development Districts shall be identified on the City of Franklin Zoning Map with the notation “PUD” Planned Unit Development.
- (d) Planned Unit Development General Regulations
  - (1) Permitted Buildings and Uses
    - (A) Any principal use shall be allowed within a PUD District subject to the approval of the Planning Commission and City Council on the Preliminary Development Plan; provided, a PUD District shall not contain a use which is prohibited everywhere in the City limits.
    - (B) Accessory buildings and uses are permitted subject to the approved Development Plan.

- (2) Minimum Area Requirements: There is no minimum area requirement for a PUD District.
- (3) Multiple Buildings on a Lot: More than one building is permitted on a lot within a PUD District, subject to the approval of the Preliminary Development Plan.
- (4) Setbacks
  - (A) Peripheral and internal setbacks shall be defined on the development plan. For the purpose of this section, peripheral setbacks shall be the setbacks that apply to the perimeter of the PUD District, and internal setbacks shall be the setbacks that apply to specific lots of buildings within the PUD District.
  - (B) PUD Districts that include non-residential, multi-family, or mixed use buildings adjacent to single-family, two-family, or single-family attached uses shall provide a minimum 50-foot buffer along the shared property line. The buffer must consist of a combination of mounding, landscaping, and/or fencing designed to create an opaque, year-round screen with a minimum height of six feet.
  - (C) PUD Districts shall establish appropriate yard setbacks for buildings and off-street parking areas consistent with the existing or envisioned development for the area, as indicated by the City's approved Comprehensive Plan.
- (5) Transitions: PUDs shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual impacts to the adjoining land uses. Transitions could include increased setbacks, landscape buffers, fenceings, sound walls, mounding, stepped building heights, and graduated development intensity.
- (6) Open Space
  - (A) Common open space shall be provided within each Planned Unit Development that shall occupy a minimum of 20 percent of the gross acreage of the development.
  - (B) For the purposes of this Section, common open space is defined as an area of land or water that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities.
  - (C) Ownership of common open space for a residential PUD shall be transferred by the developer to a legally established homeowners

association, or if accepted, to the City of Franklin or other public or quasi-public agency.

- (7) Landscaping: Any part of the development that is not used for buildings, structures, walks, parking, loading, or access ways shall be landscaped.
- (8) Signage: Signage shall be regulated per Section 1111.08 unless otherwise approved in the Final Development Plan.
- (9) Lighting: Outdoor lighting shall be regulated per Section 1111.07(d)(2) unless otherwise approved in the Final Development Plan.
- (10) Parking: Required off-street parking and loading spaces shall be regulated per Section 1111.07 unless otherwise approved in the Final Development Plan.

(e) Planned Unit Development Approval Process: An owner (or agent) of land proposed to be located in a PUD District shall adhere to the following procedure:

(1) Zoning Map Amendment and Preliminary Development Plan

(A) Pre-Application Meeting. Upon the recommendation of the Zoning Official City Engineer, or upon the request of the applicant, the applicant shall meet with the Technical Review Committee (“TRC”) prior to submitting an application for a Zoning Map Amendment and Preliminary Development Plan. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.

(B) Zoning Map Amendment and Preliminary Development Plan Submittal. An application for a Zoning Map Amendment shall be submitted with the Preliminary Development Plan to rezone the subject property from its current zoning designation to Planned Unit Development “PUD.” The Preliminary Development Plan is the conceptual design or configuration of the overall project, showing the general location of streets, lots, uses, buildings, landscaping, and parking. See Section 1109.05(g) for the submittal requirements.

(C) Review by the TRC: Upon receipt, the Zoning Official shall forward of the Zoning Map Amendment and Preliminary Development Plan an application and Plan to the TRC. The TRC shall review the submittals application and Plan for completeness, and if the applications and/or Plan is are is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the applications s and Plan is are deemed complete and the application fees s have been paid, the TRC shall

recommend to the ~~City Engineer Zoning Official~~ that the City officially accept the application. Only complete applications ~~and Preliminary Plans~~ will be forwarded to the Planning Commission.

- (D) Notice of Public Hearing before Planning Commission: Upon determination by the TRC that ~~an the applications and Preliminary Development Plan~~ contains all the necessary and required information ~~and completion of review of the Plan by others~~, the ~~Zoning Official City Engineer~~ shall place the ~~Zoning Map Amendment and Preliminary Development Plan application and Plan~~ on Planning Commission's agenda and schedule a public hearing ~~on the application on the proposed amendment~~. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five ~~(5)~~ days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed ~~application Zoning Map Amendment~~ and Preliminary Development Plan. The applications ~~s and Plan~~ shall be kept on file for public examination in the office of the ~~Zoning Official City Engineer~~.
- (E) Notice to Property Owners of Public Hearing before Planning Commission: If the proposed ~~PUD Overlay~~ District intends to apply to ten ~~(10)~~ or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property ~~within 250 feet of any part of that are contiguous to the~~ parcel(s) or lot(s) proposed for the ~~Overlay PUD~~ District or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven ~~(7)~~ days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff.
- (F) Review and Recommendation by Planning Commission: The Planning Commission shall review the ~~Zoning Map Amendment and Preliminary Development Plan application~~ and, ~~based upon the review criteria in Section 1109.05(e)(1)(G)~~, recommend to City Council that the ~~PUD PUD/PRGD~~ be granted as requested, ~~or~~ be granted as modified by the Planning Commission, ~~or~~ be denied.
- (G) Notice of Public Hearing before Council: Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed ~~Overlay~~

PUD District. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five ~~(5)~~ days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed ~~applications~~Zoning Map Amendment and Preliminary Development Plan.

(H) Notice to Property Owners of Public Hearing before Council: If the proposed PUD District intends to apply to 10 or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property within 250 feet of any part of the parcel(s) or lot(s) proposed for the PUD District or that are across the street from it. Notice of the public hearing Such notice shall be given by the Clerk of Council. ~~Such notice shall be sent by~~ via regular mail, at least seven ~~(7)~~ days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff.

(I) Action by City Council: After holding the public hearing, City Council shall approve the Zoning Map Amendment application and Preliminary Development Plan; deny the ~~application~~Zoning Map Amendment and Preliminary Development Plan; or approve the ~~application~~Zoning Map Amendment and Preliminary Development Plan based upon the review criteria in Section 1109.05(e)(1)(G) and subject to any additional conditions and restrictions ~~to which the owner has agreed~~Council deems necessary and/or appropriate in its discretion.

(2) Final Development Plan

(A) Final Development Plan Submittal: The Zoning Official~~TRC shall~~ ~~review the Final Development Plan to determine that it includes all the items required. The TRC~~ shall review the ~~application~~Final Development Plan for completeness, and if the ~~application~~Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the ~~application and Plan~~Final Development Plan is ~~are~~ deemed complete and the application fee has been paid, the TRC ~~shall review the Plan and shall~~ recommend to the Zoning Official ~~City Engineer~~ that the City officially accept the application.

(B) Notice of Public Hearing before Planning Commission: Notice shall be given of the Planning Commission's public hearing pursuant to Section 1109.05(e)(1)(D).

(C) Review and Decision by Planning Commission: The Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the Zoning Official~~City Engineer~~. The Planning Commission shall ~~assure that~~review the Final Development Plan ~~is in accordance and for~~ compliance with the approved Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by ~~either~~:

- (i) Approving the Final Development Plan as submitted; ~~or~~
- (ii) Approving the Final Development Plan subject to specific conditions not included in the Plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
- (iii) Denying approval of the Final Development Plan.

~~(D) Referral to Council: The Final Development Plan for a PUD or PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.~~

(3) Standards for Approval:

(A) General Standards of Review: The Planning Commission and City Council shall apply the following standards in reviewing ~~a PUD application and~~ Development Plans:

- (i) Whether the plan application and plan indicates that the physical development of the PUD will commence within nine ~~(9)~~ months following the approval, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City;
- (ii) Whether the proposed PUD is consistent in all respects with the purpose and intent of this section;
- (iii) Whether the proposed PUD is in conformity with the Comprehensive Plan or any adopted component thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community;

**Commented [CS1]:** I think we want to say that a general public notice will be given for PC's hearing pursuant to 1109.05e1D, but not the individual property owner notices 1109.05e1E.

- (iv) Whether the proposed development shall be provided with adequate drainage facilities for surface and storm water flow;
- (v) Whether the proposed development will be accessible from public roads that are adequate to carry the traffic generated by the proposed development;
- (vi) Whether there will be an undue constraint or burden imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development;
- (vii) Whether the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the City;
- (viii) Whether centralized water and sewer facilities will be provided; and
- (ix) Whether the use of the land surrounding the proposed development can be planned in coordination with the proposed development; and
- ~~(ix)~~(x) Whether the proposed PUD and/or any use of land therein will be detrimental to the health, safety, or general welfare of residents or occupants of surrounding properties.-

(4) Project Phasing and Expiration

- (A) An applicant may submit a Final Development Plan for any or all of the approved PUD Preliminary Development Plan.
  - (B) A Preliminary Development Plan will expire if, two years from the date of approval, no Final Development Plan has been submitted for all or part of the project. If a Preliminary Development Plan expires, the applicant will be required to submit a new Preliminary Development Plan for review and approval per the requirements of this section.
  - (C) If no building permit or site construction permit has been issued within two years after the approval of the Final Development Plan, for all or part of a PUD, then approval of the Final Development Plan shall expire and no longer be in effect. An applicant may request an extension of up to one year, which may be approved by City Council.
- (f) Modifications to an Approved PUD: A proposed modification to an approved PUD is subject to the following:

- (1) Administrative: An administrative modification is a change that does not alter the basic design, or intent, or intent of the approved plans. Administrative modifications may be approved by the Zoning Official with TRC review. Examples include, but are not limited to:
- (A) Correcting typographical errors or mapping errors on approved plans;
  - (B) Adjusting internal lot lines in a manner that does not affect density, building placement, buffers, or similar elements;
  - (C) Shifting internal utilities, drainage, or easements without changing development intensity;
  - (D) Minor adjustments to internal circulation or parking areas (i.e., driveway alignments, addition or removal of a small number of parking spaces);
  - (E) Substituting building or landscaping materials with those of equal or higher quality; and
  - (F) Exterior building color changes that are neutral or subdued in nature.
- (2) Minor: A minor modification is a change that does not qualify as administrative, but also does not significantly alter the design, layout, or uses of the approved plan. The approval process for a minor modification is the same as for a Final Development Plan. Examples include, but are not limited to:
- (A) Increasing or decreasing building square footage or height by less than 10 percent;
  - (B) Relocating a building footprint within the same parcel, provided buffers, setbacks, and open space are maintained;
  - (C) Slight changes in the number of residential units, provided overall density does not exceed the approved maximum;
  - (D) Reconfiguring parking areas or internal roads, if circulation and safety standards are maintained;
  - (E) Adjusting phasing or timing of construction without changing the ultimate buildout; and
  - (F) Adding new uses that are substantially similar in nature and intensity to those previously approved.
- (3) Major: A major modification is any change that does not qualify as administrative or minor and represents a significant change to the design, layout, uses, or intensity of the project. The approval process for a major



modification is the same as for a Preliminary Development Plan. Examples include, but are not limited to:

- (A) Increasing total density or intensity beyond what was approved;
- (B) Adding new uses that are dissimilar in nature or more intense than those previously approved;
- (C) Expanding the boundary of the PUD;
- (D) Reducing required open space, buffers, landscaping, or amenities;
- (E) Changing exterior building materials to a lesser quality;
- (F) Making significant changes to traffic circulation or demand that affect surrounding streets; ~~and~~
- (G) Increasing building square footage or height by 10 percent or more above what was approved.

(g) PUD Application Requirements

- (1) Zoning Map Amendment: Application requirements are located in Section 1115.04(c). In addition to the requirements set forth in Section 1115.04(c), the application shall include proposed governing text for the PUD District, setting forth general standards and regulations applicable to the subject property and development therein. The governing text may address (by way of example and not limitation) standards and requirements regarding permitted principal and accessory uses, minimum building setbacks, minimum lot sizes, minimum open space, and other items requested by the City.
- (2) Preliminary Development Plan: The Preliminary Development Plan shall include the following:
  - (A) A survey or engineering drawings of the property to be included in the Planned Unit Development;
  - (B) A vicinity map including north arrow, scale bar, applicant contact information, and development title;
  - (C) Evidence that the applicant has the consent of the property owner to submit the Preliminary Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interests in the tract of land and the proposed development;
  - (D) A narrative description of the proposed development;
  - (E) A plan that identifies the proposed parcels contained within the development;
  - (F) Existing property lines of adjacent properties noting the owners of record and existing zoning designations and uses;

- (G) The location of proposed buildings and land uses within the development. The amount of land area/proposed square footage dedicated for each land use shall be specified;
  - (H) Preliminary interior open space and landscaping concepts;
  - (I) Location of existing and proposed streets, drives, access locations, parking areas, and pedestrian network;
  - (J) Minimum peripheral setbacks around the perimeter of the development;
  - (K) A traffic impact study, if deemed necessary by the Zoning Official;
  - (L) For residential developments, a statement of density of the various residential uses within the development.
  - (M) Any additional information requested by the Zoning Official or Technical Review Committee.
- (3) Final Development Plan: The Final Development Plan shall include the following:
- (A) A plan prepared by a registered surveyor or engineer or the entire development area identifying parcel numbers, dimensions, and areas;
  - (B) Evidence that the applicant has the consent of the property owner to submit the Final Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of ownership and beneficial interests in the tract of land and the proposed development;
  - (C) A developer's agreement to be entered into by the property owner and the City, and shall addressing the required improvements, development requirements, and conditions applicable to the districtdevelopment in the PUD District. The agreement shall set forth also specify the regulations applicable to the PUD, including but not limited to items such as (by way of example and not limitation) architectural standards, signage, permitted uses, and any agreed-upon public/private arrangements, and other items requested by the City. Following approval of the Final Development Plan, and full execution of the developer's agreement by both the property owner and the City, The developerproperty owner shall record the fully-executed agreement with the Warren County Recorder.

~~(C) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development District;~~

(D) ~~The existing topography with contour intervals of not less than five feet, and final contours at two feet maximums;~~

(E) ~~The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of spaces), entrance and exit driveways and their relation to existing and proposed streets, proposed landscaping, signage, and all other significant features of the proposed development.~~

(F) ~~A statement of the density of residential uses within the development, if applicable.~~

(G) ~~Building elevations of all sides that indicate proposed architectural character. Exterior finishes and colors shall be identified;~~

(H) ~~Design and location of existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention/detention areas, and yards. The common and scientific names of all proposed plant species shall be provided along with the quantity and sizes of each;~~

(I) ~~Existing and proposed sanitary and storm sewers, water mains, culverts, and other underground structures.~~

(J) ~~Lighting, including fixture types, sizes, and a photometric plan indicating the minimum and maximum illumination and the footcandle reading of outdoor lighting at all property lines;~~

(K) ~~Service structures and trash facilities, including dumpster pads and enclosure details;~~

(L) ~~Notation of any right-of-way dedication that may be necessary for the widening or extension of any major street;~~

(M) ~~Sign plan indicating locations, sizes, and designs for all proposed signs;~~

(N) ~~Development schedule and project timetable along with a phasing plan for the development, if any; and~~

(O) ~~Any additional information requested by the Zoning Official or Technical Review Committee.~~

~~(h) —Developer's Agreement: Before any improvements are made within a PUD Overlay District, a Developer's Agreement shall be required incorporating all improvements, requirements and conditions of the development of the district, which requirements~~

and conditions shall run with the land. The agreement shall be drafted in recordable form and recorded by the Developer with the County Recorder for Warren County.

(i) — **Development**

(1) Requirements: Before beginning construction on any improvements within the PUD, PRCD or any section thereof, the dDeveloper shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03;

(2) Construction Plans: Before beginning work on the improvements in a PUD, or PRCD any section thereof, the dDeveloper shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:

- (A) The centerline profile of each proposed street, with tentative grades indicated;
- (B) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
- (C) The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
- (D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
- (E) A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);
- (F) A Landscaping Plan, as may be required by section 1111.06;
- (G) An Engineer's estimate of the total cost of the contemplated public improvements for the subdivision or section thereof; and
- (H) Any other information needed to show that the proposed improvements comply with this UDO.

(j) — **Regulation Concerning Required Improvements:**

(1) Street Construction: Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the

City Engineer does grant the dDeveloper such a delay, the dDeveloper shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements:

(2)-Temporary Construction Signs: The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits shall be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.

(3)- Completion of Construction: The construction of all public improvements shown on the approved Construction Plans must be completed within two (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.

(4)-Maintenance: For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.

(k)(h) Use and Maintenance: Each PUD Overlay District shall at all times be maintained and used in accordance with the standards set forth above, and in a manner not to create a health and safety hazard to adjacent residents or businesses:

**Commented [CS2]:** I don't think we need any of this in here. Construction/engineering requirements and procedures appear elsewhere in the City's ordinances, and nothing about the PUD zoning approval would modify the developer's need to comply with those other laws.

**1.- Purpose:**

1.—The Planned Unit Development (PUD) Overlay District is intended to permit development that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building heights and types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Section will allow for flexibility of overall development design with benefits to the developer and the community, while at the same time maintaining the standards or use requirements set forth in the underlying basic zoning district.

2.—The PUD Overlay District may also be used to accommodate the development or redevelopment of parcels consistent with the design principles of traditional neighborhoods and conservation subdivisions. Traditional neighborhood development means a consolidated, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity or walking distance to each other. A conservation subdivision means a housing development in a rural setting that is characterized by reduced size lots and common open space and where natural features of land are maintained. Such proposed developments may be considered for approval at locations and with conditions that the City determines to be appropriate for the development and the surrounding area.

2.— **Permitted Uses:** Any use may be allowed within a PUD Overlay District subject to the approval of Planning Commission and City Council. Individual structures shall comply with specific building area requirements of the underlying basic use district, and shall meet setbacks as required, unless specifically approved otherwise by the Planning Commission.

3.— **Minimum Requirements:** Areas designated as PUD Overlay Districts shall be subject to the following minimum development areas:

Principal Uses	Minimum Area of PUD
Residential PUD	1 acre
Commercial PUD	1 acre
Industrial PUD	5 acres*
Mixed Compatible	Uses 5 acres*
* May be reduced on approval of the Planning Commission	

4. ~~Preliminary Procedural Requirements:~~ An owner (or agent of) of land proposing the creation of a PUD Overlay District shall file an application and General Development Plan with the Zoning Official seeking approval of such district, and the application and plan shall be accompanied by a non-refundable fee, as outlined in section 1105.09.

1. ~~Application:~~ The application shall contain a statement indicating the following:

1. ~~The relationship of the proposed PUD Overlay District to the City's adopted master plan, or any adopted component thereof;~~
2. ~~The general character of, and the uses to be included in, the proposed PUD Overlay District;~~
3. ~~Total area to be included in the PUD Overlay District, including area for open space; residential density computations; proposed number of dwelling units; population analysis; availability of or requirements for municipal services; and any other similar data relevant to a comprehensive evaluation of the proposed development;~~
4. ~~A general summary of the estimated value of structures and site improvement costs, including landscaping and special features;~~
5. ~~A general outline of the organizational structure of any property owner's or management's association proposed to be established for the purposes of providing any necessary private services; and~~

6.—Any proposed departure from the standards of development as set forth in this section;

2.—**Preliminary Development Plan:** A Preliminary General Development Plan including:

- 1.—A legal description of the boundaries of the proposed district and its relationship to surrounding properties;
- 2.—The location of public and private roads, driveways, sidewalks, curbs and parking facilities;
- 3.—The size, arrangement, and location of any individual building sites and proposed building groups on each individual site;
- 4.—The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways;
- 5.—The type, size, and location of all structures including rooftop mechanics;
- 6.—Landscape and screening plans;
- 7.—Lighting plans for parking lots, security, private drives and product display;
- 8.—Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures;
- 9.—The existing and proposed location of public sanitary sewer and water supply facilities;
- 10.—The existing and proposed location of all private utilities or other easements;
- 11.—Characteristics of soils related to contemplated specific uses;
- 12.—Existing topography on the site with contours at no greater than two foot (2') intervals;
- 13.—Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses; and
- 14.—The expected date of the commencement of physical development within the district.



5.—~~Procedures for Review of Application and Preliminary Plan:~~ (For a further description of the procedures to be followed and the submittals required, see section 1115.05)

1.—**Review for Completeness:** The TRC shall review the application and Preliminary Development Plan to determine that they include all the items required. If the application and Plan are deemed complete, and the application fee paid, the TRC shall recommend to the City Engineer that the City officially accept the application.

2.—**Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:

1.—Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency.

2.—Other agencies that, at the discretion of the City, may have appropriate technical expertise.

3.—Appropriate local City administrative officials, including the Law Director.

4.—Consultants retained by the City.

3.—**Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.

4.—**Review by Planning Commission:** Planning Commission shall review the application and Preliminary Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall take action on the submitted application and Preliminary Development Plan by either:

1.—Approving the application and Preliminary Plan as submitted; or

2.—Approving the Preliminary Plan and application subject to specific conditions not included in the Plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement, or

3.—Denying approval of the application and Preliminary Development Plan.

5.—**Referral to Council:** The application and Preliminary Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration in applying the standards of review set forth in paragraph (i) and paragraph (j), below, may deny the application and Preliminary Plan, approve the application and Preliminary Plan as submitted, or approve the application and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.

6.—**Significance of Approved Application and Preliminary Development Plan.** Approval of the Preliminary Development Plan shall:

- 1.—Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
- 2.—Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved Preliminary General Development Plan.
- 3.—Provide the benchmark for the Planning Commission to consider and approve amendments to the Final General Development Plan where the Planning Commission determines that the amended plan is equal to or better than the approved Preliminary Development Plan.
- 4.—Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

7.—**Final General Development Plan.** After a Preliminary Development Plan has been approved, an applicant shall submit for review and approval a Final Development Plan. The Final Development Plan may be submitted either for the entire project or for each construction phase:

- 1.—The Final Development Plan shall include a Site Plan drawn at a scale not less than 1" = 100' indicating:
  - 1.—Boundaries of the area proposed for development, accurate dimensions, and total acreage;
  - 2.—The exact location and dimension of private streets, common drives and public street rights-of-way;

- 3.—Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
  - 4.—Dimensions of building/unit space;
  - 5.—The extent of environmental conservation or change and the exact location of all no-cut/no disturb zones; and
  - 6.—Designated restricted open space areas and a description of proposed open space improvements.
- 2.—A Grading Plan drawn at a scale of 1"=100', showing all information pertaining to surface drainage.
  - 3.—A detailed Landscaping Plan for new landscaping, including entry features and designs.
  - 4.—If applicable, the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space as required by the Subdivision regulations.
  - 5.—Conditions imposed by other regulatory agencies.
- 8.—Procedures for Review of Final Development Plan: (For a further description of the procedures to be followed and the submittals required, see section 1115.05.)
    - 1.—**Review for Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. If the Plan is deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
    - 2.—**Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.
    - 3.—**Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association)

or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this section.

4.—**Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance/compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:

- 1.— Approving the Final Development Plan as submitted; or
- 2.— Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general budding layout or open space arrangement; or
- 3.— Denying approval of the Final Development Plan.

5.—**Referral to Council:** The Final Development Plan for a PRGD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.

9.—**General Standards of Review:** The Planning Commission and Council shall apply the following standards in reviewing a PUD application and Development Plans:

- 1.— Whether the application and plan indicate that the physical development of the PUD will commence within nine (9) months following the approval, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City;
- 2.— Whether the proposed PUD is consistent in all respects with the purpose and intent of this section;

- 3.—Whether the proposed PUD is in conformity with the Comprehensive Plan or any adopted component thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community;
  - 4.—Whether the proposed development shall be provided with adequate drainage facilities for surface and storm water flow;
  - 5.—Whether the proposed development will be accessible from public roads that are adequate to carry the traffic generated by the proposed development;
  - 6.—Whether there will be an undue constraint or burden imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development;
  - 7.—Whether the streets and driveways on the site of the proposed development will be adequate to serve the residents of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the City;
  - 8.—Whether centralized water and sewer facilities will be provided; and
  - 9.—Whether the use of the land surrounding the proposed development can be planned in coordination with the proposed development.
10. Specific Standards, Based on Proposed Use:
- 1.—*Residential PUD Overlay District:* Planning Commission shall find the following in recommending approval of a Residential PUD, and Council shall find the following in approving a Residential PUD:
    - 1.—Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation and open space, and coordination with overall plans for the community;
    - 2.—Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities;
    - 3.—Adequate, continuing fire and police protection is available;

4.—The population composition of the PUD will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities; and

5.—Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance, by dedication to the public, or payment in lieu of dedication, in accordance with section 1111.04.

2.—*Commercial PUD Overlay District:* Planning Commission shall find the following in recommending approval of a Commercial PUD, and Council shall find the following in approving a Commercial PUD:

1.—The proposed PUD will be adequately served by off street parking and truck service facilities;

2.—The proposed PUD will be adequately provided with and will not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas;

3.—The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood; and

4.—The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

3.—*Industrial PUD Overlay District:* Planning Commission shall find the following in recommending approval of a Industrial PUD, and Council shall find the following in approving a Industrial PUD:

1.—The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood;

2.—The proposed PUD will be adequately provided with and will not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas;

3.—The proposed PUD will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities; and

4.—The proposed PUD will properly relate to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

4.—*Mixed Use PUD Overlay District:* Planning Commission shall find the following in recommending approval of a Mixed Use PUD, and Council shall find the following in approving a Mixed Use PUD:

1.—The proposed mixture of uses produces a unified composite that is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood;

2.—The various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use and character; and

3.—The proposed PUD will be adequately provided with and will not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

11.—*Developer's Agreement:* Before any improvements are made within a PUD Overlay District, a Developer's Agreement shall be required incorporating all improvements, requirements and conditions of the development of the district, which requirements and conditions shall run with the land. The agreement shall be drafted in recordable form and recorded by the Developer with the County Recorder for Warren County.

12.—*Major Changes and Additions:* Any subsequent major changes or additions to the Developer's Agreement, Development Plans (exceeding 25 percent of the floor area, or 10,000 square feet) or uses for the PUD Overlay District shall first be submitted for approval to the Planning Commission. If the Planning Commission determines that such changes or additions constitute a substantial alteration of the original developer's agreement, development plan, or uses of the district, a public hearing

before the City Council shall be required prior to the Council determining whether to accept the subsequent changes or additions. The City Council reserves the right to require changes if it determines, applying the standards of paragraph (i) and paragraph (j) above, that such changes are required to comply with the purpose of this Section:

~~13. Use and Maintenance:~~ Each PUD Overlay District shall at all times be maintained and used in accordance with the standards set forth above, and in a manner not to create a health and safety hazard to adjacent residents or businesses:

~~14. Land Division:~~ The division of any land(s) within a PUD Overlay District shall be in accordance with the platting provisions of the City's preliminary plan and final plat regulations, as set forth in the City's Development Standards, as outlined in Chapter 11.11. When such a division is contemplated, a preliminary plat or certified survey map of the lands to be divided shall accompany the petition for a PUD Overlay District approval:

~~(Ord. 2009-13. Passed 7-6-09.)~~

#### ~~HISTORY~~

~~Amended by Ord. 2021-29 on 12/6/2021~~