

TITLE NINE – SUPPLEMENTAL REGULATIONS

CHAPTER 1191 Planned Unit Development Projects

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CROSS REFERENCES

Powers and Duties – See Ohio Revised Code 713.02
Restriction in Location – See Ohio Revised Code 713.09
Basis of Districting and Zoning – See Ohio Revised Code 713.10

1191.01 PURPOSE.

The purpose of the Planned Unit Development Project District is:

- A. To allow for flexibility in the zoning requirement where the result will be a higher quality development;
- B. To provide for and locate suitable recreational facilities, open space, and other common facilities, while preserving the existing landscape to the greatest extent possible;
- C. To encourage the most skillful planning in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
- D. To obtain creative and coordinated designs in harmony with surrounding uses and allow procedures supplemental to those applicable in other use districts to establish development plans particularly designed to meet the objectives of this Chapter, and

- E. To allow for creative development that conforms with the goals and objectives set forth in the Genoa Master Plan.

1191.02 DESIGNATION.

The Planned Unit Development Project Overlay shall be designated by the abbreviation "PUD" on the Village of Genoa Zoning Districts Map. All property so classified is subject to the provisions of this Chapter.

1191.03 APPLICABILITY.

- A. The PUD shall operate as an overlay zone with all the existing zoning districts remaining intact. All provisions of the underlying zoning shall apply, except as provided for in this Chapter.
- B. A minimum project area of five (5) acres shall be required to establish a PUD, except in those situations determined at the discretion of the Planning Commission.

1191.04 ZONING CERTIFICATE.

No Zoning Certificate shall be issued for any new construction within an established PUD without compliance with an approved PUD Project Plan.

1191.05 RESIDENTIAL PUD.

- A. Project Area.
It is the intent of this Chapter that the use of the PUD will yield the same net density of dwelling units as would be developed under conventional zoning.

Therefore, the project area that will be used to determine the permitted number of units shall include all of the area within the PUD that is devoted to residential use, open space and recreational uses designed to serve the residential development

Specifically, excluding but not limited to, land located within a Floodway, and land allocated for public right-of-ways.

- B. Density Calculation.
The Planning Commission shall determine the net number of dwelling units that may be constructed within the PUD by dividing the project area, by either of the following:
 - 1. The required lot area per dwelling unit which is required in the district on which the PUD is located; or
 - 2. The required lot area per dwelling unit which is required in the

district on which the PUD is located; or

C. PUD in Multiple Zoning Districts.

If a residential PUD covers more than one (1) zoning districts, the number of allowable dwelling units must be separately calculated for each portion of the PUD District located in a separate zoning district, and

Then must be combined to determine the number of dwelling units allowable in the entire PUD.

However, the distribution of the dwelling units within the overall PUD is not to be affected by existing zoning district boundaries.

D. Density Increase.

1. The Planning Commission shall authorize an increase in the density of the planned development under the following circumstances

Provided that the negative impacts listed in paragraph two (2) below would not be created by such an increase in density.

- a. For undeveloped common open space above the minimum amount required in Section 1191.05 (g) (1), a maximum increase of five (5%) percent;
 - b. For improved common open space above the minimum amount required in Section 1191.05 (G) (1), a maximum increase of seven (7%) percent;
 - c. For distinctiveness and excellence in the site, design, and landscaping of the PUD, a maximum increase of ten (10%) percent.
2. In no case shall the density in the planned development be increased by more than ten (10%) percent.
 3. The Planning Commission may deny or limit any increase in density by an amount that is sufficient to avoid the creation of any of these conditions:
 - a. Congested or unsafe access to the development;
 - b. Traffic congestion in the streets which adjoin the PUD

development, or

- c. An excessive burden on parks, recreational areas, schools, and other facilities that serve or are proposed to serve the PUD development.

E. General Guidelines.

In evaluating a proposed PUD, the following guidelines shall be used by the Planning Commission:

- 1. The residential PUD is consistent with the goals and objectives of the Genoa Master Plan.
- 2. The PUD is an effective and unified treatment of the development possibilities on the project site, and

The development plan makes appropriate provision of the

Preservation of streams and stream banks,

Wooded cover,

Rough terrain, and

Similar areas.

- 3. The PUD is planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
- 4. Off-street parking and loading is provided as required by the Genoa Zoning Code.
- 5. There is a beneficial relationship between the proposed PUD and the neighborhood where it is to be established.
- 6. Evidence is presented of sufficient or proposed off-site and on-site services and infrastructure.

Assurance shall be required that the improvements will be in place at the time completion of construction of the project if the services or infrastructure are not in place.

- 7. The proposal meets the purpose set forth for the PUD in Chapter 1191.01.

8. The proposal meets all the requirements of a PUD in accordance with this Chapter.
9. Common open spaces and recreational areas should be linked together by walkways or planting areas whenever possible.
10. Where commercial uses are proposed within a residential PUD, Buffering and landscaping should be used to create a natural separation between uses.
11. Commercial uses shall be designed to resemble the character of the surrounding residential buildings.
12. Buildings should be sited in an orderly, non-random fashion.

Long, unbroken building facades should be avoided.
13. Street location and design shall conform to the existing topographic characteristics.

Cutting and filling shall be minimized in the construction of streets.
14. Adequate landscaping shall be provided throughout the site to

Create an attractive development,

Reduce the amount of impervious surfaces, and

Prevent large expanses of uninterrupted pavement areas.

F. Spacing and Building Height.

1. The location of all structures shall be as shown on the development plan.

The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or

To the existing or prospective development of the neighborhood.
2. Minimum lot areas, frontage, and yard requirements may be waived by the Planning Commission provided that the

Overall density standards required in this Chapter are

maintained and

The Planning Commission determines that the proposed development complies with the intent of this Chapter.

G. Open Space Requirements.

- 1. Common open space must comprise at least twenty (20%) percent of the project area,

Excluding areas used for vehicle parking and circulation.

- 2. No open space area may be accepted as common open space under the provision of this Section unless it meets the following standards:

- a. Common open space must be reserved for amenity or recreational purposes.

The uses authorized for the common open space must be appropriate in size and character considering the

Size,

Density,

Expected populations, including ages and number,

Topography, and

The number and type of dwellings within a residential PUD.

- b. Common open space must be improved for its intended use,

But common open space containing natural features worthy of preservation may be improved.

- c. The development schedule that is part of the development must coordinate the phasing of improvements to the

Common open space,

Construction of buildings,

Structures,
Landscaping and
Other improvements

In the common open space and the construction of the residential dwellings in the PUD.

- d. The use and improvement of the common open space must be planned in relation to any existing or proposed public or semi-public open space

Which adjoins or which is within fifteen hundred (1,500') feet of the perimeter of the PUD.

- 3. All land shown on the development plan as common open space shall be conveyed to a public agency or non-profit organization under one of the following options:

- a. It may be conveyed to a governmental agency if the agency agrees to maintain the

Common open space, and
Any buildings,
Structures,
Landscaping, and
Other improvements

That have been placed on such land.

- b. It may be conveyed to a non-profit organization provided in a publicly recorded document establishing an association or similar organization for the maintenance of the PUD.

The common open space shall be conveyed to the trustees

Subject to covenants to be approved by the Planning Commission that restrict the common open space to uses specified on the development plan and

Which provide for maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

- H. Screening.
The residential PUD shall be effectively screened from adjoining existing uses so as to protect their privacy and amenity.

1191.06 NON-RESIDENTIAL PUD.

- A. Permitted Uses.
The permitted uses in a non-residential PUD shall be those uses permitted in the district in which the non-residential PUD is located.
- B. Intensity of Uses.
The overall density of the non-residential PUD shall not exceed the overall density permitted in the district regulations in which the non-residential PUD is located.
- C. PUD in Multiple Zoning Districts.
If a non-residential PUD covers more than one (1) zoning district, the density and uses permitted must be

Separately calculated for each portion of the non-residential PUD District located in a separate zoning district, and then

Combined to determine the density and uses allowable in the entire non-residential PUD.

However, the distribution of density and uses within the overall PUD is not to be affected by existing zoning district boundaries.

- D. General Guidelines.
The following guidelines shall be used by the Planning Commission in evaluating a proposed non-residential PUD:
1. The non-residential PUD is consistent with the goals and objectives of the Genoa Master Plan.
 2. The non-residential PUD is an effective and unified treatment of the development possibilities on the project sites, and

The development plan makes appropriate provision for the preservation of

Streams and stream banks,

Wooded cover,

Rough terrain, and

Similar areas.

3. The non-residential PUD is planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
4. Off-street parking and loading is provided as required by the Genoa Zoning Code.
5. All buildings and parking areas within the non-residential PUD shall not occupy more than sixty (60%) percent of the non-residential PUD.

The remainder of the land shall be preserved as either improved or unimproved open space.

Any open space may be conveyed in a manner as outlined in Chapter 1191.05 (G).

6. Evidence of sufficient or proposed off-site and on-site services and infrastructure is presented.

Assurances shall be required that the improvements will be in place at the completion of construction of the project the services or infrastructure are not in place.

7. The proposal meets the purpose set forth for the PUD in Section 1191.01.
8. The proposal meets the requirements of a PUD per this Chapter.
9. Screening of intensive uses shall be provided utilizing

Landscaping,

Fences, or

Walls

To enclose internal areas.

- 10. Parking and loading areas should be placed in the rear of a building whenever possible.
- 11. Landscaping and fencing shall be used to screen the parking areas from the road when parking is located in the front of the building.
- 12. Pedestrian and vehicular circulation should be separated as much as possible through

Crosswalks,
 Raised curbs, or
 Complete grade separation.

- 13. Signs shall be kept to a minimum size and should be surrounded by landscaping.

E. Spacing and Building Height.

- 1. The location of all structures shall be as shown on the development plan.

The proposed location and arrangement of structures shall not be

Detrimental to existing or prospective adjacent dwellings,
 or
 To the existing, or prospective, development of the neighborhood.

- 2. Minimum lot areas, frontage, and yard requirements may be waived by the planning Commission provided that

The overall density standards required in this Chapter are maintained, and

The Planning Commission determines that the proposed development complies with the intent of this Chapter.

1191.07 PERIPHERAL SETBACKS.

The Planning Commission shall impose either or both of the following

requirements

If it is determined that topographical or other barriers do not provide a sufficient buffer between the PUD, and

Contiguous land uses to avoid hazardous impacts upon the economic values of contiguous real estate:

- A. Structures and parking areas located on the perimeter of the PUD may be required to be set back by a distance sufficient to protect against an adverse impact upon the economic values of contiguous land.
- B. Structures on the perimeter of the PUD may be required to be permanently screened in a manner that is sufficient to protect against adverse impact on the value of contiguous land.

1191.08 SUBDIVISION REVIEW.

Whenever the provisions of this Chapter and the Subdivision Regulations are in conflict, the more restrictive or detailed requirements shall be met,

Unless waived or altered by the Planning Commission.

1191.09 ESTABLISHMENT OF A PUD.

- A. A PUD shall be established through the zoning change process set forth in the Genoa Planning and Zoning Code.
- B. Once Council has approved the establishment of the PUD, the PUD shall be shown on the Zoning Map as an overlay zone to the underlying zoning district(s).
- C. A request for a zone change to the underlying district may be done concurrently with the establishment of the PUD.

1191.10 APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN.

- A. An application for a PUD shall accompany a general development plan, including
 - Elevations,
 - Maps,
 - Sketches, and

Supporting documents

To fully describe the following elements:

1. The general nature, location and objectives of the proposed development.
2. The areas of the project to be used for different residential building types, indicating in each area
 - The number of housing units by type and size, and
 - The total residential density of the project.
3. The boundaries of the project to used for commercial, office, and other activities indicating the total square footage of each use.
4. The boundaries of the project including a legal description of the metes and bounds of the parcel and the acreage therein.
5. An area map showing adjacent property owners and existing land uses within two hundred (200') feet of the project perimeter.
6. Existing contours at ten (10') feet intervals.
7. The proposed street system for the project,
 - Designated collector and arterial streets and
 - Describing their configuration
 - In conformance with the plans and standards of the Village.
8. A traffic impact study for the PUD area.
9. Descriptive data concerning the existing and proposed sewer, water, and storm drainage facilities within the project, indicating their location.
10. Community facilities including
 - Common open space,
 - Recreational, and

Other non-building areas designated within the project, indicating areas to be common ownership.

- 11. A document describing the proposed development schedule for the project for all

- Dwelling units,

- Non-residential uses,

- Recreational facilities,

- Common open space, and

- Other common facilities; and

- 12. Any additional information as the Planning Commission or Council may reasonably require.

- B. The Planning Commission shall review the development plan and accompanying documents and may request such review and comment by other agencies, as may be necessary.

- C. The Planning Commission shall render a written recommendation of

- Approval,

- Approval with conditions, or

- Disapproval

To Council and the applicant on whether the preliminary Development Plan meets the standards set forth in this Chapter.

- D. Upon receipt of the Planning Commission's report and recommendation, Council shall, in conformity with the provisions of the Zoning Ordinance and the Ohio Revised Code,

- Approve,

- Approve with conditions, or

- Disapprove

The Preliminary Plan.

Approving the Preliminary Development Plan shall include such criteria and guidelines as Council deems appropriate for the guidance of the development and the Planning Commission.

The action on the Preliminary Development Plan shall be considered an administrative act of Council and shall not be deemed a zoning change.

- E. The property owner, or developer, has twelve (12) months to submit A Final Development Plan, once the preliminary plan is approved, or

The Preliminary Development Plan will become void,

The property owner then would be required to re-submit a Preliminary Development Plan to the Planning Commission to continue future development.

1191.11 FINAL DEVELOPMENT PLAN APPROVAL.

Approval of the Final Development Plan shall be obtained from the Planning Commission, after approval of the Preliminary Development Plan by Council.

The following procedures shall regulate this process:

- A. Final Development Plan.
For final approval of uses, the owner shall file a Final Development Plan for any specific area within the project or the overall project with the Planning Commission.

The Final Development Plan shall show the following:

1. The area to be developed and the area to be devoted to common open spaces for the use of all residents of the area with accurate acreage for each use, courses and distances to determine the boundaries of the development project;
2. Final grading plans, indicating cubic footage or cuts and fills;
3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets;
4. Site plans, floor plans, elevations, and cross sections for buildings as necessary to demonstrate compliance with the Preliminary Development Plan;

- 5. Descriptive data as to the type of building, square footage for each use, and the number of dwelling units in each building type;
- 6. The proposed open space system and areas to be in common ownership.

Where multiple ownership is proposed, a detailed plan setting forth the manner, means, and proposed time of transfer of the land to a non-profit entity, the means of development and maintenance, and the obligations and rights of use of such open space by all residents and/or tenants of the development;

- 7. A detailed landscaping plan for any new residential areas, indicating all existing and proposed vegetation by species, size, dimensions, materials, and special lighting features; and
- 8. Any modification of the general plan presented and approved as part of the Preliminary Development Plan.

B. Review.

The Planning Commission shall review the Final Development Plan and

Approve,

Modify and approve, or

Disapprove

The application for the Final Development Plan and transmit notices thereof to the applicant.

The Planning Commission shall base its final approval only upon finding that the following requirements are met:

- 1. The design, size and use are consistent with the Preliminary Development Plan as approved by Council'
- 2. The size of the first stage of development is appropriate and can effectively implement the development within the confines of the approved district;
- 3. The location, design, size, and uses shall be adequately served by existing or planned facilities and services, and

4. The location, design, size and uses shall result in an attractive, healthful, efficient, and stable environment for residential and/or commercial development.

C. Approval Documents.

The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Planning Commission's records.

D. Permits and Certificates.

Submission of appropriate subdivision plans and building construction drawings shall be made, after approval of the Final Development Plan by the Planning Commission, and such staff or consultants as may be required or deemed appropriate.

Building and construction permits and zoning compliance permits shall be conditioned upon adherence to the total development plan.

E. Modification to Approved Plan.

The Zoning Administrator may approve minor changes to an approved Final Development Plan.

If such changes are consistent with the purpose and general character of the development plan.

Other modifications, including extension or revision of the staged development schedule shall require the approval of the Planning Commission.

F. Revocation.

The Planning Commission may, after notice, rescind and revoke such approval,

In the event of a failure to comply with the approved plan or any condition of approval, including failure to comply with the staged development schedule.

Violation of the final approval of uses for a PUD shall constitute a violation of the Zoning Code.

G. Submission with Plats and Drawings.

The submission of a Final Development Plan by the developer or applicant may be coterminous with submission of appropriate subdivision plans and construction drawings for on-site improvements.

Approval of such subdivision plans and construction drawings shall be conditioned upon the approval of the Final Development Plan.

H. Time Limit.

The property owner or developer will have twelve (12) months to begin construction, once the Final Development Plan is approved, in compliance with the Final Development Plan,

Or the Final Development Plan will become void.

The property owner or developer will be required to re-submit a Preliminary Development Plan to the Planning Commission,

If the Final Development Plan becomes void.