

Lakewood, Ohio Zoning Code
CHAPTER 1156
Planned Development

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CROSS REFERENCES

Publication of legal notices - see ADM. Ch. 107
Noise control - see GEN. OFF. Ch. 515
Single-Family Residential Districts - see P.& Z. Ch. 1121
Single- and Two-Family Residential District - see P.& Z. Ch. 1123
Multiple-Family Residential District - see P.& Z. Ch. 1127
Commercial Districts - see P.& Z. Ch. 1129
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1156.01 PURPOSE.

A Planned Development (PD) is meant to encourage more compact mixed use development, pedestrian-friendly site design, and an urban street character, in order to increase pedestrian traffic, reduce vehicular traffic, promote energy-efficient design, and accommodate a range of compatible land uses through appropriate site design. PD's are intended to permit a more flexible approach to land use control and to promote a variety of housing types developed among neighborhood-serving commercial uses and employment opportunities.

A PD encourages the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers while serving to provide greater efficiencies in use of infrastructure. It is intended to help advance revitalization initiatives along commercial corridors and recognize the market demand for new residential and commercial development within compact, pedestrian friendly districts. PD zoning is intended to work in conjunction with the proactive development of pocket parks, open spaces, and the creation of public spaces within the districts. PD zoning can support commercial corridor redevelopment plans and urban design guidelines or standards that require high quality development that is consistent with the *Vision*.

The PD specifically discourages those uses that: promote a strip center development pattern, promote idle land and over parking, and detract from the image enhancement intentions of this district. Planned Developments are intended to encourage orderly use, development and redevelopment of property, while allowing more flexibility and creativity in design to achieve high quality, integrated site planning not otherwise possible under the constraints of normal zoning requirements without detriment to adjacent/neighborhood properties.
(Ord. 60-04. Passed 7-6-04.)

1156.02 LOCATION OF PLANNED DEVELOPMENTS.

(a) A Planned Development may be permitted in a C1 Office, C2 Retail, C3 General Business District, C4 Public School District, or the MH Multiple-Family, High Density Residential District, on approval by the Commission and City Council in accordance with this Chapter **1156**.
(Ord. 89-04. Passed 11-1-04.)

(b) For a commercial PD, at least fifty-one percent (51%) of the property or properties must be located in the C1 Office, C2 Retail, C3 General Business, C4 Public School District, or the MH Multiple-Family, High Density Residential District.

(c) The remaining forty-nine percent (49%) or less of the property may be located in an existing R1L, R1M, R1H, R2 and ML residential zoning district so long as such property abuts or is immediately adjacent to property as described in subsection (b) above and provided that the PD contains adequate buffers, setbacks and transition as noted elsewhere in this Chapter.

(d) All properties identified as being part of the PD shall be designated a PD on the **Zoning Map**. Grouping of uses permitted in other districts to create developments of compatible and mutually supportive activities is encouraged provided there are adequate buffers to adjacent properties of other uses and designs to promote compatibility and transitions to adjacent properties.

(e) It is not intended that the Commission automatically approve PD proposals that seek increases in density, changes in allowed uses, or alterations in district standards; rather, approvals shall only be received by those proposals that provide design characteristics that substantially achieve the purpose of this Chapter.

(f) A PD should utilize the following characteristics to the greatest possible extent which shall be considered in the approval process:

(1) Designs that reflect the **Vision** and that offer types or densities of development that are not available under the other Sections of this **Code**.

(2) Designs that utilize a creative approach to achieve better urban design, efficiencies in use of land and infrastructure, and the provision of aesthetic amenities.

(3) Designs that provide appropriate buffers and transitions between areas with different land uses and development densities.

(4) Designs that maintain or enhance the appearance of neighborhoods by complementing neighborhood architectural character.

(5) Designs that are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification of variation from otherwise applicable zone district and development standards.

(6) Designs, which encourage a mix of retail, service, office, housing, live-work units, and public activities to coexist in a manner that reflects human scale and emphasizes pedestrian orientation, taking advantage of the vitality that mixed uses can bring to the community.

(7) Designs that conserve areas of natural beauty and green spaces to the greatest degree possible consistent with accommodating new development.

(8) Designs that incorporate “green architecture” pursuant to Resolution 7746-03, *City of Lakewood Green Building Policy*.

(Ord. 60-04. Passed 7-6-04.)

1156.03 STANDARDS FOR REVIEW OF A PRELIMINARY PD PLAN.

An application for approval of a Preliminary PD Plan, together with submitted plans and reports, shall be reviewed for its conformance with the following standards:

(Ord. 60-04. Passed 7-6-04.)

(a) The proposed PD shall contain uses that are expressly permitted either by right or as conditional or accessory uses in a C1 Office, C2 Retail, C3 General Business, C4 Public School District, or the MH Multiple-Family, High Density Residential District, in which the PD is located or as modified according to (b) below, but such uses may be mixed within the planned development or within the same structure located in the PD;

(Ord. 89-04. Passed 11-1-04.)

(b) The proposed PD shall comply with the subdivision requirements as set forth in Chapter **1155** of this *Code*, except to the extent modifications, variances, or waivers have been expressly allowed pursuant to paragraph (e) below;

(c) Adverse impacts on adjacent properties, including but not limited to increased traffic or noise, as described in Chapter **515** of the Ordinances, and visual impacts, shall be mitigated to the maximum extent feasible;

(d) The PD shall be integrated with adjacent development through street connections, sidewalks, trails, and similar features;

(e) All district, development, and subdivision standards set forth in Chapters **1127** and **1129** (such as lot size, floor area ratio, structure height, etc.), and **1155**, except those specified in subsection (f) below, may be modified or varied upon a finding that the proposed PD incorporates creative site design which represents an improvement in quality and service of the purposes set forth in Section **1156.01** over what could have been accomplished through strict application of the otherwise applicable district or development standards, including but not limited to improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or choice of living and housing environments;

(f) The proposed PD shall comply with the following requirements, which shall not be

modified or varied except as expressly set forth below or as permitted by the Commission.

(1) Minimum area requirement. All Planned Developments shall have a minimum size of 10,000 square feet.

(2) Setbacks from adjoining residential uses. A Planned Development shall comply with any applicable zone district standards that require minimum setbacks from adjoining residential uses or properties as set forth in Chapter 1121 and 1123.

(3) Environmental protection standards. All Planned Developments shall comply with Ohio Environmental Protection Agency regulations and local ordinances.

(4) Architectural and design standards. All Planned Developments shall comply with all architectural and design standards, including those set forth in Section 1156.05, Design Principles, of this *Code* and Chapter 1325 of the Building Code.

(Ord. 60-04. Passed 7-6-04.)

1156.04 PLANNED DEVELOPMENTS.

(a) Consolidation with Subdivision Approval. The applicant shall consolidate an application for Preliminary PD Plan approval with an application for subdivision plat approval, pursuant to Chapter 1155, and shall consolidate an application for Final PD Plan approval with an application for final subdivision plat approval. Such consolidated application shall be submitted in a form that satisfies both the PD requirements of this *Code* and the provisions, including submittal requirements, of Chapter 1155. The time frame and approval process for the consolidated PD/subdivision application shall follow the time frame and approval process set forth in this section. The plat included as part of an approved Final PD Plan shall be recorded as the final subdivision plat.

(b) Procedures for Approval of a Preliminary PD Plan. Planned Developments, similar to subdivisions, are first approved in preliminary form, and then approved in final form. The applicant may select Preliminary PD Plan Option One or Preliminary PD Plan Option Two.

(c) Preliminary PD Plan Option One:

(1) Pre-application conceptual review meeting. A pre-application conceptual review meeting shall be mandatory for all persons intending to submit an application for approval of a Preliminary PD Plan.

(2) The Commission's role shall be to review all applications for Preliminary PD Plans and make a recommendation to the Director to approve, approve with conditions, or deny the application based on compliance with Section 1156.03 of this *Code*. If the Commission recommends approval of an application with conditions, the applicant shall resubmit to the Commission a revised preliminary PD Plan that reflects the changes or modifications required or suggested by the Commission in its initial review.

(3) A plan previously receiving Preliminary Plan approval may proceed with Final PD Plan approval.

(4) Upon receipt of the approved Preliminary PD Plan from the Commission, the Director shall forward the application to the Architectural Board of Review for review of the application based on compliance with the standards set forth in subsection (j) below.

(d) Preliminary PD Plan Option Two:

(1) Pre-application conceptual review meeting. A pre-application conceptual review meeting shall be mandatory for all persons intending to submit an application for approval of a Preliminary PD Plan.

(2) The Commission's role shall be to review all applications for Preliminary PD Plans and make a recommendation to the Director to approve, approve with conditions, or deny the application based on compliance with Section **1156.03** of this *Code*. If the Commission recommends approval of an application with conditions, the applicant shall resubmit to the Commission a revised preliminary PD Plan that reflects the changes or modifications required or suggested by the Commission in its initial review.

(3) Preliminary approval must be received to proceed.

(4) Upon completion of the initial review of the Preliminary PD Plan by the Commission, the applicant may request the Director to submit the Preliminary PD Plan to City Council for review and preliminary approval.

(5) Upon receipt of the approved Preliminary PD Plan from the Commission and City Council, the Director shall forward the application to the Architectural Board of Review for review of the application based on compliance with the standards set forth in subsection (j) below.

(e) Procedures for Approval of a Final PD Plan.

(1) A plan previously receiving preliminary approval may be submitted for Final Approval.

(2) A Final PD Plan may cover the entire area covered by the Preliminary PD Plan, or it may include only a phase or phases of the Preliminary PD Plan. Only such phases as receive Final Approval may be advanced for purposes of obtaining building permits and being constructed.

(3) A preliminary plan complying with the requirements set forth in Section **1155.03**, Subdivision Regulations, General Requirements, and a plat complying with the requirements set forth in Section **1155.03**, Subdivision Regulations, General Requirements, shall be prepared for each lot consolidation and submitted with an application for approval to the Director, except, at the discretion of the Director, the preliminary plan may be waived, prior to the deadline established by the Commission by rule. The purposes of the preliminary plan are to allow the Commission to determine if it qualifies as a potential PD and its compliance with other *City* codes.

(4) Concurrent with submission of an application for approval of a Final PD Plan, the Director shall submit to City Council a final Development Agreement, if applicable, for review and execution.

(5) The Commission's role shall be to review any application for Final PD Plan approval and make a recommendation to the Director to approve, approve with conditions, or deny the application based on its compliance with Section **1156.03** of this *Code*.

(6) If the Commission recommends approval of an application with conditions, the applicant shall resubmit to the Commission a revised Final PD Plan that reflects the changes or modifications required or suggested by the Commission in its initial review.

(7) Upon receipt of the approved Final PD Plan from the Commission the Director shall forward the application to the Architectural Board of Review for review of the application based on compliance with the standards set forth in subsection (j) below.

- (8) Upon receipt of:
- A. The approved Final PD Plan from the Architectural Board of Review,
 - B. An approved lot split and/or lot consolidation plat signed by the Chairman and Secretary of the Commission, and
 - C. An approved and executed Development Agreement from City Council if applicable, the Final PD Plan and plat shall be forwarded to Council along with the Commission's recommendation for approval.
 - D. Council shall approve or disapprove the Final PD Plan within forty-five (45) days from the date received by Council.
 - E. When the Final PD Plan is approved:
 - 1. The plat shall be recorded;
 - 2. Applicable building permits may be applied for and issued; and
 - 3. Construction shall begin within sixty (60) days of issuance of the permits referred to in subparagraph (e)(8)E.2. herein.

(f) Street Acceptance. Where streets are to be dedicated to public use, upon approval of all improvements by the Engineer, the developer shall file a certificate and opinion of title, a guarantee of title or a title insurance policy in the amount of the market value of the property but not less than \$1,000.00 with the Law Director showing the title to the street(s) in the PD to be good in the *City* for street purposes and to be free and clear of all liens and encumbrances whatsoever. The plat shall then be presented to Council for acceptance and confirmation of the dedication of such street(s).

(g) Recording. The plat shall be filed and recorded in the offices of the County Auditor and County Recorder by an authorized representative of the *City* within thirty (30) days after final approval.

(h) Fees. A review and recording fee, established pursuant to Section **1173.06** shall be included with the application.
(Ord. 60-04. Passed 7-6-04.)

(i) Notice Procedures. Where a PD is requested, notice of the public hearing held pursuant to Section **1171.03**(i) shall be made in a newspaper of general circulation no less than seven (7) days before the hearing; said notice shall state the time and place of the hearing in accordance with Chapter **107** (Publication of Legal Notices) of the Ordinances.
(Ord. 124-05. Passed 2-6-06.)

- (1) In addition, notice, indicating the time, place, and subject of the hearing, shall be sent by regular mail to the owners of:
- A. All properties abutting the PD;
 - B. All properties abutting such properties described in subparagraph (i)(1)A. herein, including properties located across the right-of-way from or behind said abutting properties;
 - C. Any other property the Director deems affected by the proposed PD.

(2) Where a property described in paragraph (i)(1) above contains a condominium of more than ten (10) units, notice shall be sent to the president of the condominium association and the management company responsible for the building; the management company shall receive sufficient copies of the notice to post two (2) on every floor of the building at locations determined by the company.

(j) Standards for Review. All applications for PD's shall demonstrate compliance with the requirements and review standards set forth in Section **1156.05** of this *Code* and Chapter **1325** of the Building Code.

(k) Effect of Approvals.

(1) Effect of approval of a Preliminary PD Plan.

A. An approved Preliminary PD Plan shall be valid for a period of twelve (12) months from the date of the Commission's action.

B. Application for approval of a Final PD Plan for all or any phase of the Preliminary PD Plan may be made at any time within the twelve (12) month period following the Commission's approval of the Preliminary PD Plan. An approved application for a Final PD Plan for any phase or portion of the Preliminary PD Plan shall extend the life of the Preliminary PD Plan for an additional twelve (12) month period from the date the Final PD Plan is approved. If the original or any successive twelve (12) month period expires before a completed application for a Final PD Plan approval is submitted, unless a different time frame is specified in the development agreement, the Preliminary PD Plan approval shall automatically lapse and be null and void and all of the properties included in the preliminary plan for which Final PD Plan approval has not been given shall be subject to the zoning and subdivision regulations otherwise applicable to them.

C. During the period an approved Preliminary PD Plan is effective, no subsequent change or amendment to this *Code* or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such Preliminary PD Plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such Preliminary PD Plan if the Commission determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

(2) Effect of approval of a Final PD Plan.

A. An approved Final PD Plan shall be valid for a period of two (2) years from the date City Council approves the rezoning.

B. During the period an approved Final PD Plan is effective, no subsequent change or amendment to this *Code* or any other governing ordinance or plan shall be applied to affect adversely the right of the applicant to proceed with any aspect of the approved development in accordance with the terms of such Final PD Plan approval, except that the applicant shall comply with those local laws and regulations adopted subsequent to the approval of such Final PD Plan if the Commission determines, on the basis of written findings, that compliance is reasonably necessary to protect the public health, safety, or welfare.

C. Within the two (2) year period, the developer/owner shall:

1. Submit the plat portion of the Final PD Plan as the final subdivision plat for recording by the City surveyor, Chapter **1155** notwithstanding; and

2. Undertake substantial construction of at least the first approved phase of the PD development.

(3) If these actions are not completed within the two (2) year time period, such Final PD Plan shall automatically lapse and become null and void.

(l) Applications for Preliminary and Final PD Plans shall be submitted to the Commissioner upon such forms as approved by the *City*.

(m) Modifications of Final PD Plan.

(1) A minor modification shall be defined, for purposes of this Chapter, as any alteration other than a major modification (as defined below) to an already approved Final PD Plan.

A. A minor modification must be reviewed and approved by the Commission and Architectural Board of Review.

(2) A major modification shall be defined, for purposes of this Chapter, as the addition to an already approved Final PD Plan of any property or properties located in a C1 Office, C2 Retail, C3 General Business District or the MH Multiple-Family, High Density Residential District, or the addition to an already approved Final PD Plan of any property or properties located in the R1L, R1M, R1H, R2, ML or L residential zoning district that abut a PD or, the addition to an already approved Final PD Plan that changes the mix of uses.

A. The review of a major modification by the Commission, Architectural Board of Review and City Council shall be processed in accordance with the procedure for approval of a Preliminary and Final PD Plan as described in Section **1156.04**(c) or Section **1156.04**(d) and Section **1156.04**(e).

(Ord. 60-04. Passed 7-6-04.)

1156.05 DESIGN PRINCIPLES.

The following Design Principles provide certain guidelines and requirements, as noted, in the design preparation of a Preliminary PD Plan.

(a) Building and Site Design

(1) Wherever feasible, buildings shall be designed to provide massing configurations with a variety of different wall planes. Plain, monolithic structures with long walls and roof plane surfaces are discouraged.

(2) Each building facade shall incorporate design elements for each twenty (20) horizontal feet, such as changes in color or texture; projections, recesses, and reveals; arcades or pergolas providing pedestrian interest; or equivalent elements that subdivide the wall into human scale proportions. Ground level facades facing streets or pedestrian ways shall incorporate large amounts (at least sixty (60) percent of the facade) of windows that permit views into the interior of the building, or display windows.

(3) Building facades shall have highly visible customer entrances that feature canopies, overhangs, arcades, distinctive roof forms, arches, display windows, or landscaped features. Primary entrances should face streets on which they are located.

(4) Buildings shall have well defined rooflines with attention to architectural detail. Consideration should be given to the prevailing pattern of roofs in the area surrounding and within the PD.

(5) Sloping roofs, where used, shall have one (1) or more of the following architectural features: gables, hips, horizontal or vertical breaks, or other similar techniques that are to be integrated into the building architecture.

(b) Building Materials. Building materials shall be limited to brick, masonry, stucco, wood, fiber, cement siding, wood shingle, wood siding, cultured stone, or other similar materials. Prohibited materials include aluminum or vinyl siding, dryvit-type products on the lowest eight (8) feet of any structure, split faced block, and other similar materials.

(c) Vehicular Circulation and Access.

(1) Circulation systems shall be designed to efficiently facilitate traffic flow, yet designed to discourage speeds and volumes that impede pedestrian activity and safety.

(2) Street designs are encouraged to incorporate traffic calming devices and techniques.

(3) Common or shared access points are encouraged.

(4) To the maximum extent feasible, common or shared service and delivery access shall be provided between adjacent parcels or buildings, and provided to the rear of buildings.

(5) Safe and adequate site distances shall be provided at all intersections.

(6) Transit stops should be incorporated into site plans, where feasible.

(7) The developer as part of the site plan review process shall provide traffic impact studies.

(d) Pedestrian Access and Circulation.

(1) A coordinated pedestrian system shall be provided throughout the PD, including connections between uses on the site, and between the site and adjacent properties and rights-of-way. Pedestrian connections shall be provided to properties across streets wherever feasible.

(2) The site shall be connected to adjacent properties and pedestrian facilities to the maximum extent feasible.

(3) Continuous sidewalks or other pedestrian facilities shall be provided between the primary entrances to buildings, all parking areas that serve the buildings, pedestrian facilities on adjacent properties that extend to the boundaries shared with the PD, any public sidewalk along perimeter streets, or other community amenities or gathering spaces.

(4) Decorative sidewalks, such as brick pavers, are encouraged at key intersections or streets.

(5) Street furniture or other amenities are encouraged, such as plazas, benches, and decorative pedestrian light fixtures.

(6) Open and public areas should be provided as a mixture of green space landscaping and hardscape pedestrian areas with a goal of twenty (20) percent of the site area.

(e) Parking.

(1) Adequate parking shall be provided, but excessive parking is discouraged. The standards contained in Chapter **1143** shall be used as a guide, but those standards may be modified without the need for a variance based upon other considerations as determined by the Commission, and a finding by the Commission that the modified parking standards would comply with the provisions of the *Code* and the intent of the PD.

(2) Parking shall be distributed between the front, side, and rear of buildings to the maximum extent feasible.

(3) The visual impact of parking shall be minimized through the use of interior landscaped islands and through dividing parking spaces into groupings.

(4) The edges of parking lots shall be screened through landscaping or other methods such as decorative fences.

(5) A minimum of one (1) off-street parking space shall be required behind each residential unit or garage. No garage openings shall be permitted onto public streets.

(f) Landscaping and Screening.

(1) It shall be the duty of the Commission to determine whether a reasonable percentage of the area within a PD shall be maintained in a combination of landscaped and urban open space. The project must adhere to the spirit of the *City's* landscape values. The standards contained in Chapter **1141** shall be used as a guide, but those standards may be modified without the need for a variance based upon other considerations determined by the Commission that such considerations would comply with the provisions of the *Code* and the intent of the PD.

(2) Pedestrian access from adjacent residential streets is encouraged. The owners of residential property directly abutting rear yards, parking and loading areas of a PD shall be contacted and offered masonry screening and/or appropriately designed alternatives. PD applicants shall document meetings with abutting residential owners and the results of such meetings. The intent of this provision is for the applicant to involve nearby residents in the PD project. City staff shall assist in this process.

(3) Where required, screening fences and walls shall be erected. The standards of Chapter **1141** shall be used as a guide, but those standards may be modified without the need for a variance based upon other considerations determined by the Commission that such considerations would comply with the provisions of the *Code* and the intent of the PD.

(4) If used, the owner of the property on which the fence is required to be erected shall permanently and adequately maintain screening fences or walls. The following types of walls or fences shall qualify, Chapter **1141** notwithstanding.

(5) Masonry wall or fence. Masonry fences or walls shall be constructed with the finish side out and of any of the following materials:

- A. Native stone
- B. Brick
- C. Precast concrete panels with decorative finish or decorative concrete masonry units
- D. In no case shall more than twenty-five percent (25%) of the area of the fence be erected with common smooth-face masonry units.

(6) Ribbed metal panel fence. Suitably finished to blend with the primary structure and supported by structurally sound metal frame.

(7) Vegetative screening. Using plants and fence materials, vegetative screens may be proposed.

(8) Screening of roof-mounted equipment. All roof-mounted equipment that rises above the roofline of any building or structure

(g) Streetscape Improvements.

(1) A Streetscape Plan shall be submitted for the entire site. The Streetscape Plan shall address the relationship between vehicular and pedestrian traffic, pedestrian facilities, street and sidewalk lighting, landscaping, street furniture, trash receptacles, and transit stops.

(2) The design of streets, pedestrian ways, landscaping, lighting, and street furniture shall be coordinated and integrated throughout the site.

(3) Vehicular streets and driveways shall be designed to be compatible with pedestrian ways to encourage a pedestrian friendly environment. The width of streets shall be sensitive to pedestrian scale, and shall be minimized to avoid overwhelming that pedestrian scale while allowing for efficient vehicular traffic flow.

(4) Site furnishings such as benches, seating, trash receptacles, bike racks, lighting fixtures, and tree grates shall be addressed in the Streetscape Plan.

(h) Service Area and Mechanical Screening.

(1) The location of service areas and mechanical equipment shall be considered as part of the overall site design.

(2) Service areas and mechanical equipment shall be screened from public view.

(i) Signage.

(1) A master sign plan shall be prepared illustrating the location, type, size, and materials of all signage, pursuant to Chapter **1329** of the Building Code.

(2) It shall be the duty of the Board of Building Standards/Architectural Board of Review to review the sign proposal. The standards contained in Chapter **1329** of the Building Code shall be used as a guide, but those standards may be modified without the need for a variance based upon other considerations determined by the Board of Building Standards/Architectural Board of Review that such considerations would comply with the provisions of the Building Code and the intent of the PD. Generally, the standard will be landscaped monument signs and multi-tenant signs.

(j) Lighting.

(1) A lighting plan shall be prepared, including a photometric illustration.

(2) It shall be the duty of the Board of Building Standards/Architectural Board of Review to review the lighting proposal. The standards contained in Chapter **1306** of the Property Maintenance Code shall be used as a guide, but those standards may be modified without the need for a variance based upon other considerations determined by the Board of Building Standards/Architectural Board of Review that such considerations would comply with the provisions of the Building Code and the intent of the PD.

(3) Lighting shall be designed to avoid spillover onto adjacent properties through the use of cutoff shields or other similar features.

(k) Fences. It shall be the duty of the Architectural Board of Review to review the fence requirements pursuant to Chapter **1153** to determine whether said plan is consistent with the provisions of the *Code* and the intent of the PD.

(l) Urban Open Space.

(1) No plan for a PD shall be approved unless such plan provides for urban open space.

(2) Common open space (whether dedicated to public use or owned and maintained in common by the owner or owners) shall be reserved for the leisure and recreational use of all the project's occupants and readily accessible thereto.

(3) The guideline for PD open space is twenty percent (20%) of the project area.

(4) Landscaping requirements can be incorporated into the open space requirement pursuant to subsection (f).

(5) The Commission in making this determination may consider the availability and nature of adjacent or nearby public open space and parkland.

(6) Common open space is land area of which at least fifty percent (50%) is not covered by buildings, structures or the building’s parking spaces.

(7) Common open space shall be guaranteed by a restrictive covenant in the deed describing the open space and its uses, and requirements regarding maintenance, and improvement that run with the land for the benefit of occupants or the public.

(m) Amenities. All PD’s with residential uses may provide amenities within the site which may include: courtyards, a swimming pool, spa, clubhouse, tot lot with play equipment, picnic shelter/barbecue area, court game facilities such as tennis, basketball, or racquetball, or child day care facilities. The type of amenities shall be approved by the Commission and provided according to the following schedule:

Number of Dwelling Units	Minimum Number of Amenities
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

(Ord. 60-04. Passed 7-6-04.)

1156.06 DEVIATIONS FROM OTHER REGULATIONS.

(a) The Commission may approve deviations from other applicable regulations of this *Code* controlling development within a PD, provided that the Commission shall find that such deviation shall be solely for the purpose of promoting an integrated site plan and would be consistent with the *Vision*.

(b) Any deviation from the standard development requirements included in the *Code* shall be justified by the benefits and design of the proposed PD.

(c) Additional standards specific to a PD.

(1) Unified ownership. The entire tract or parcel of land to be occupied by the proposed development shall be held in single ownership, or if there are two (2) or more owners, the application for such proposed development shall be filed jointly by all such owners. This requirement shall ensure that the property is developed as a unified whole.

(2) Unified ownership or purchase agreement must be accomplished prior to a Development Agreement, if applicable, being submitted to the Director.

(3) Site design. The location, configuration, construction, manner and time of operation of off-street parking and loading areas, service areas, circulation systems, entrances, exits, open space, amenities, lighting, or other potentially detrimental influences shall be designed to avoid adverse effects on:

- A. Residential uses within or adjoining the development;
- B. Traffic congestion; and vehicular or pedestrian traffic.

(4) Utilities. The proposed development shall provide, if possible, for underground installation of utilities (including electricity and telephone) within both public ways and private extensions thereof. Provisions also shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, and treatment of turf and maintenance of facilities. Stormwater facilities shall be designed and constructed in compliance with Ohio Environmental Protection Agency regulations and local ordinances.

(Ord. 60-04. Passed 7-6-04.)

1156.07 PERFORMANCE AND MAINTENANCE BONDS.

(a) For all PDs, the City shall require a performance bond equal to the total cost of the improvements to be completed. Such bond shall set forth the *City* as the beneficiary and shall be issued by a reputable and solvent bonding company, licensed to do business in Ohio and shall be deposited with and retained by the *City* until all improvements are constructed to the satisfaction of the Engineer (for public improvements) and the Building Commissioner (for private improvements). The *City* may waive such performance bond requirement if there is a Development Agreement with the *City*, which governs such security provisions.

(b) After the public improvements are completed and accepted by the Engineer, the Engineer may require the developer to provide the *City* with a two (2) year maintenance bond of at least ten percent (10%) of the approved estimated cost of construction. The developer shall complete the construction or repairs of all improvements within two (2) years from the date of permission to proceed. Otherwise, the *City* shall have the right to use the performance bond money to complete the improvements. Council may extend the aforesaid two (2) year period for good cause.
(Ord. 60-04. Passed 7-6-04.)