

CHAPTER 1159 - PUD PLANNED UNIT DEVELOPMENT DISTRICT

Footnotes:

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Cross reference— *District established - see P. & Z. 1125.01*

1159.01 - CONFLICT.

Planned Unit Development Zoning Districts may be established by application in accordance with the provisions of this chapter and the requirements contained herein which shall take precedence over all other conflicting regulations contained in the Zoning Code and/or platting ordinances.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.02 - PURPOSE AND INTENT.

The application of flexible and creative land use regulations to the development of land is often difficult or impossible within traditional zoning district standards. In order to permit the use of more flexible land use regulations and to facilitate use of the most advantageous techniques of land development, it is often necessary to establish a Planned Development District designation in which development is in harmony with the general purpose and intent of this Code, and the Strategic Plan. The objective of a Planned Development District is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers, to produce development that is in keeping with overall land use intensity and open space objectives of this Code and the Strategic Plan, while departing from the strict application of the dimensional standards of the traditional Districts. Planned Development Districts are intended to allow design flexibility and provide performance standards that may:

- (a) Ensure that future growth and development occurs in general accordance with the Strategic Plan;
- (b) Minimize adverse impacts of development on the environment by preserving native vegetation, wetlands and protected animal species to the greatest extent possible;
- (c) Increase and promote the use of pedestrian paths, bicycle routes and other non-vehicular modes of transportation;
- (d) Result in a desirable environment with more amenities than would be possible through the strict application of the minimum commitment to standards of a standard zoning district;
- (e) Provide for an efficient use of land, and public resources, resulting in co-location of harmonious uses to share facilities and services and a logical network of utilities and streets, thereby lowering public and private development costs;
- (f) Foster the safe, efficient and economic use of land, transportation, public facilities and

services;

- (g) Encourage concentrated land use patterns which decrease the length of automobile travel, encourage public transportation, allow trip consolidation and encourage pedestrian circulation between land uses;
- (h) Enhance the appearance of the land through preservation of natural features, the provision of underground utilities, where possible, and the provision of recreation areas and open space in excess of existing standards;
- (i) Avoid the inappropriate development of lands and provide for adequate drainage and reduction of flood damage;
- (j) Ensure a more rational and compatible relationship between residential and non-residential uses for the mutual benefit of all;
- (k) Provide an environment of stable character compatible with surrounding areas; and
- (l) Provide for innovations in land development, especially for affordable housing and infill development.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.03 - DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "Comprehensive Planned Unit Development (C-PUD)." A "C-PUD" means an area of land consisting of a minimum of one hundred (100) acres in which a variety of housing types and/or commercial facilities may be accommodated in a pre-planned environment under more flexible standards than those restrictions that would normally apply under this Zoning Code. The process in a C-PUD shall consist of a Comprehensive Plan which shall constitute the rezoning of the property; Preliminary Development Plan which shall consist of more detailed plans for a subarea or subareas of the Comprehensive Plan and a Final Development Plan which shall consist of a detailed development and engineering plans for a subarea or portion of a subarea.
- (b) "Infill Planned Unit Development (I-PUD)." An "I-PUD" means an area of land consisting of no more than one hundred (100) contiguous acres in which one use or a variety of uses may be accommodated in a pre-planned environment under more flexible standards than those restrictions that would normally apply under this Zoning Code. The process in an I-PUD shall consist of a Preliminary Development Plan which shall constitute the act of zoning; and a Final Development Plan which shall consist of a detailed development plan for all, a portion of the area, or subareas within the Preliminary Development Plan.
- (c) "Subarea." A "subarea" is a distinct area of land within a C-PUD or an I-PUD. Each subarea

shall designate acreage, land use, development standards, architectural standards, landscape standards, thoroughfare subarea standards, conceptual road alignments, gross density (as defined in Section 1105.02(w)) and such other standards as may be required by the Planning Commission and Council.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.04 - USES.

Within the Planned Unit Development (PUD) Zoning District, permitted uses shall include all uses allowable under the Zoning Code or a compatible combination of any or all of these uses provided the proposed location of any of the uses will not adversely affect adjacent property and/or public health, safety and general welfare.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.05 - GENERAL PROCEDURES.

Procedures and conditions set forth for determination of Planned Unit Development Districts and development(s) therein shall be strictly followed except when the Planning Commission and Council have approved a written statement submitted with the rezoning application, by the applicant clearly showing that such procedures or conditions do not apply in the specific case.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.06 - OWNERSHIP.

A Planned Unit Development shall be in joint or common ownership or control at the time the rezoning application is made for a Planned Unit Development District, or where joint or common ownership and/or control does not exist, each owner within the Planned Unit Development shall sign the application for rezoning. Any transfer of land within the Development resulting in ownership within the development by two (2) or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A Development Plan approved hereunder shall be binding upon the applicant(s), their successors and assigns and shall limit and control the issuance of validity of all Certificates of Zoning approval.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.07 - PLAN CONTENTS.

- (a) The following described contents shall be provided to secure approval for Planned Unit Development (PUD) District zoning. The basic process shall require submittal and approval of:

- (1) Comprehensive Plan in a C-PUD
 - (2) Preliminary Development Plan in a C-PUD and I-PUD
 - (3) Final Development Plan in a C-PUD and I-PUD
- (b) All plans shall be drawn to a scale suitable to the scope of the project and acceptable to the Municipality. Thirteen (13) copies of each plan shall be submitted to the Zoning Officer.
- (1) Contents of Comprehensive Plan. It is the intent of these regulations that the Comprehensive Plan indicate the following in text or map form:
 - A. Overall design of the proposed PUD project
 - B. Show accurate boundaries of the entire project
 - C. North point and scale
 - D. Location of the site in the Municipality
 - E. A subarea plan which shows allocation of land use by acreage, type, and density
 - F. Architectural guidelines for each subarea
 - G. General location of principal thoroughfares and open space
 - H. General location of any lands to be dedicated to any public agency
 - I. Estimated population of the project together with anticipated combination of housing types
 - J. The relationship of the proposed project to the surrounding area
 - K. Topography with slope classification system
 - L. Existing roads, buildings and permanent facilities
 - M. Jurisdictional boundaries
 - N. Easements, rights-of-way, abutting property boundaries
 - O. Physical features and natural conditions of the site including the location of substantial tree masses
 - P. Surface drainage and areas subject to flooding
 - Q. Existing utility systems
 - R. Regional transportation system
 - S. A written statement regarding the potential impact of the proposed development on the student population of the local school district(s).
 - T. Verification that an application, if required, has been submitted to the Ohio Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland

either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024. of House Bill 231).

- U. Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

(2) Contents of Preliminary Development Plan. It is the intent of these regulations that, in addition to complying with the provisions of Section 1159.07(b)(1), the Preliminary Development Plan indicates the following in text or map form:

- A. North point and scale
- B. The location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units in the development plan.
- C. The size, location and use of nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership of such areas.
- D. The provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness. All utility services shall be underground.
- E. The traffic circulation patterns, including public and private streets and parking areas, indicating their relationship to topography and existing streets, or showing other evidence of reasonableness.
- F. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas.
- G. The relationship of the development to existing and future land use in the surrounding areas, the street system, community facilities, services and other public improvements.
- H. An affidavit of the applicant listing all property owners within the two hundred (200) feet, contiguous to, and directly across the street from the parcel(s) included in the Preliminary Development Plan and their addresses as appearing on the Franklin County Auditor's current tax list.
- I. A written statement regarding the potential impact of the proposed development on the student population of the local school district(s).
- J. Verification that an application, if required, has been submitted to the Ohio

Environmental Protection Agency in compliance with Section 401 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain a Water Quality Certification Permit from the Ohio Environmental Protection Agency. In the case of an isolated wetland either a general state or individual state isolated wetland permit must be obtained from the Ohio Environmental Protection Agency (Sections 6111.021. - 6111.024. of House Bill 231).

- K. Verification that an application, if required, has been submitted to the U.S. Army Corps of Engineers, in compliance with Section 404 of the Clean Water Act in which anyone who wishes to discharge dredged or fill material into waters of the United States must obtain either a nationwide or individual permit from the U.S. Army Corps of Engineers.

(3) Contents of Final Development Plan. Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plans shall necessitate revision of portions of the approved Preliminary Development Plan located outside of the area to be included within boundaries of the Final Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Code before approval of the Final Development Plan. If the application involved is an I-PUD, Council shall also be required to approve any change to the Preliminary Development Plan and the rezoning. Final Development Plans are intended to be detailed representations of the total aspects of the approved Preliminary Development Plan. Contents of the Final Development Plan shall include:

- A. The boundaries of the property which is the subject of the Final Development Plan with accurate distances and bearings from an established monument on the project to the three (3) nearest established street lines or official monuments;
- B. All municipal, corporation, township and county lines and section lines traversing or immediately adjacent to the property which is the subject of the Final Development Plan, and adjacent subdivision boundaries within two hundred (200) feet of such property, accurately referenced to the boundaries of the project by bearings and distances;
- C. A bar scale, north point, legal description and total acreage of the area which is the subject of the Final Development Plan;
- D. Accurate location of all monuments, which shall be concrete six (6) inches by six (6) inches by thirty (30) inches with iron pipe cast in center, one such monument to be placed at each corner and at each change of direction of the boundary, at each

street intersection and at the beginning and end of curves on one side of the street;

- E. A certificate by a surveyor registered in the State of Ohio that the plan represents a survey made by him and that the monuments shown actually exist and that all dimensional and geodetic details are correct;
- F. Accurate outlines, dimensions and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, and the acreage of such reserved areas;
- G. The lines of adjoining streets and alleys with their width and names;
- H. All lot lines and easements with their dimensions;
 - I. Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners;
 - J. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces and other public or private facilities; (This provision shall not apply to those areas of the Final Development Plan indicated for development of one or two (2) family building sites. However, all lots intended to be so developed shall have building setback lines indicated thereon);
- K. A detailed statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density of population and building intensity;
- L. Detailed engineering plans for the provision of all streets and utilities including provisions for off-site connections and facilities necessary to serve the entire areas which are the subject of the Final Development Plan;
- M. Detailed engineering site grading plans including proposed finished grades (This provision shall not apply to those areas of the Final Development Plan indicated for development of one or two (2) family buildings sites.);
- N. Proposed drainage facilities;
- O. Detailed landscaping plans (This provision shall not apply to those areas of the Final Development Plan indicated for development of single family detached homes, except that detailed landscaping shall be provided as to all residential entry features.);
- P. Architectural drawings demonstrating the design and character of the proposed structures, buildings, uses and facilities and the physical relationship of all elements; (In a one or two (2) story building site this provision is intended to demonstrate the exterior design, character and general element of and within the

plan and it is not intended to require a detailed presentation by the applicant. However, it should provide sufficient detail to enable the Planning Commission to make a decision.);

- Q. All proposed restrictions or reference made thereto and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions;
- R. Evidence that the applicant has sufficient control over the land in question to initiate the proposed project within five (5) years;
- S. A certificate to the effect that the owner will dedicate to public use the appropriate uses, streets, parks and other lands intended for public use, provided those areas are acceptable to the Municipality;
- T. A tabulation showing the exact area of each lot, reserve or other parcel shown on the plan (other than streets and alleys), such areas to be computed inclusive of and after the extension of lot or parcel lines to the center lines of contiguous public ways, such as streets and parking areas;
- U. Approval of detailed water and sewer engineering plans by the appropriate Departments of Health;
- V. Space for signature of the Planning Commission chair, vice chair or designee and the date of Commission approval;
- W. Location and character of all signs;
- X. The proposed size, location, ownership and use of nonresidential portions of the tract, including usable open areas, parks, playgrounds, school sites, other public areas and open spaces, and the methods of access whereby all residents of the PUD can have ingress to and egress from the aforesaid areas or portions of the tract whether such areas have been previously established or will be established in the future;
- Y. An affidavit of the applicant listing all property owners within the two hundred (200) feet, contiguous to, and directly across the street from the parcel(s) included in the Final Development Plan and their addresses as appearing on the Franklin County Auditor's current tax list;
- Z. Evidence that the Ohio Environmental Protection Agency has considered the applicant's application and, if required, granted such permit. If a permit was granted, four (4) copies shall be supplied by the owner to the Zoning Officer for distribution;
- AA. Evidence that the U.S. Army Corps of Engineers has considered the applicant's application and, if required, granted such permit. If a permit was granted, four (4) copies shall be supplied by the owner to the Zoning Officer for distribution.

(4) Public area requirements. Open space for residential development shall conform to

Subdivision Standards for Public Areas, Section 1187.15.

(Ord. 44-97. Passed 12-16-9; Ord. 29-2004. Passed 6-15-04; Ord. 25-2007. Passed 7-10-077.)

1159.08 - BASIS OF PLAN APPROVAL.

The basis for approval of a Comprehensive Plan in a C-PUD and the Preliminary Development Plan in an I-PUD shall be:

- (a) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Code;
- (b) That the proposed development is in general conformity with the Strategic Plan or portion thereof as it may apply;
- (c) That the proposed development advances the general welfare of the Municipality;
- (d) That the benefits, improved arrangement and design of the proposed development justify the deviation from standard development requirements included in the Zoning Ordinance;
- (e) Various types of land or building proposed in the project;
- (f) Where applicable, the relationship of buildings and structures to each other and to such other facilities as are appropriate with regard to land area; proposed density of dwelling units may not violate any contractual agreement contained in any utility contract then in effect;
- (g) Traffic and circulation systems within the proposed project as well as its appropriateness to existing facilities in the surrounding area;
- (h) Building heights of all structures with regard to their visual impact on adjacent facilities;
- (i) Front, side and rear yard definitions and uses where they occur at the development periphery;
- (j) Gross commercial building area;
- (k) Area ratios and designation of the land surfaces to which they apply;
- (l) Spaces between buildings and open areas;
- (m) Width of streets in the project;
- (n) Setbacks from streets;
- (o) Off-street parking and loading standards;
- (p) The order in which development will likely proceed in complex, multi-use, multi-phase developments;
- (q) The potential impact of the proposed plan on the student population of the local school district(s);
- (r) The Ohio Environmental Protection Agency's 401 permit, and/or isolated wetland permit (if required);
- (s) The U.S. Army Corps of Engineers 404 permit, or nationwide permit (if required).

(Ord. 29-2004. Passed 6-15-04; Ord. 25-2007. Passed 7-10-07.)

1159.09 - PROCEDURE FOR APPROVAL OF COMPREHENSIVE PLANNED UNIT DEVELOPMENT (C-PUD).

Except as provided in Section 1159.12 hereof, the following procedures shall be used to secure approval of a Comprehensive Planned Unit Development (C-PUD) and the appropriate change of zoning resulting therefrom.

- (a) The Comprehensive Plan together with an application shall be filed with the Administrator. Within thirty (30) days of the submittal, the Comprehensive Plan and accompanying documents shall be forwarded to Council where an ordinance shall be drawn concerning the requested zoning change. The Comprehensive Plan, accompanying documents and ordinance shall then be forwarded to the Planning Commission for study and recommendation. Copies of the Comprehensive Plan shall also be forwarded to the Municipal Engineer, Municipal Planner, and Solicitor for preparation of a comprehensive staff report, which report shall have been received by the Planning Commission prior making its recommendations to Council.
- (b) The Planning Commission shall have a reasonable time not less than thirty (30) days to consider the ordinance, the Comprehensive Plan, comprehensive staff report and to report its recommendations to Council. When the report and recommendations of the Planning Commission are received by Council, Council shall establish a date for a public hearing on the ordinance and the Comprehensive Plan giving notice in accordance with the provisions of Section 1111.07. Such public hearing by Council shall be held within ninety (90) days after the receipt of the Planning Commission's report unless such time period is extended by mutual agreement of the parties. The report of recommendations of the Planning Commission on the Comprehensive Plan and the ordinance, as well as the plan and the ordinance, shall be available for public inspection immediately preceding the public hearing. Adoption of the ordinance including the Comprehensive Plan shall constitute a rezoning of the property included in the Comprehensive Plan, subject to the applicant's compliance with the provisions of subsection (c) through (g) hereof prior to the development or the construction of improvements contained in the Final Development Plan.

At any time the applicant and/or his/her successors in title to the property may submit an amended Comprehensive Plan. In such event the same procedures shall be followed as in the case of an original Comprehensive Plan and if approved such amended Comprehensive Plan shall in all respects be considered as if it were the originally adopted Comprehensive Plan.

- (c) Within two (2) years of Village Council approval of a Comprehensive Plan, the applicant shall submit a Preliminary Development Plan for at least one subarea of the Comprehensive Plan. Upon good cause shown by the applicant and by a majority vote of the Planning Commission, the Commission may extend the two-year period if the request is submitted prior to the

expiration date. Submittal of the Preliminary Development Plan shall be to the Administrator. The failure to submit a Preliminary Development Plan within such two-year period (or any such extended period) shall invalidate any prior zoning approval given, forfeit fee payments and the property shall revert to its previous zoning classification. Within thirty (30) days of official submittal, the Preliminary Development Plan and accompanying documents shall be forwarded to the Planning Commission for study and approval. Copies of the Preliminary Development Plan shall also be forwarded to the Municipal Engineer, Municipal Planner and Solicitor for a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's action on the Final Development Plan.

- (d) Following receipt of a Preliminary Development Plan and accompanying documents from the Administrator, it shall be the duty of the Planning Commission to review such plan and determine whether it complies with regulations of this chapter, that it represents a detailed expansion and delineation of the previously approved Comprehensive Plan, that it complies with all conditions which may have been given at the time of the Comprehensive Plan approval, or that before it can be considered, the proposed Preliminary Plan requires an amendment to the Comprehensive Plan on the basis that the Preliminary Development Plan includes or contains a significant deviation from the approved Comprehensive Plan. The Zoning Officer shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the public meeting at which such Preliminary Development Plan will be considered. Such notices shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.
- (e) If the Planning Commission finds that the Preliminary Development Plan complies with the regulations of this chapter and the previously approved Comprehensive Plan, the Commission shall approve the plan and the Commission chair, vice chair or designee shall affix his/her signature and approval date thereto attesting to such approval. If the Commission finds that the Preliminary Development Plan necessitates revision of portions of the approved Comprehensive Plan located outside of the area to be included within the boundaries of the Preliminary Development Plan, it shall be required that an amended Comprehensive Plan be submitted and approved in accordance with the provisions of Section 1159.07(b)(1), 1159.08 and 1159.09 hereof before considering the Preliminary Development Plan. At such time as the amended Comprehensive Plan is approved, consideration of the Preliminary Development Plan shall be given by the Commission in accordance with this subsection (c), subsection (d) and subsection (e) hereof. Following approval of the Preliminary Development Plan and the attestation of such action by the Commission chair, vice chair or designee, the applicant shall provide one mylar copy of all plans, as part of the Preliminary Development Plan, for records of the Municipality.

At any time, the applicant and/or his/her successors in title to the property may submit an amended Preliminary Development Plan. In such event the same procedures shall be followed as in the case of an original Preliminary Development Plan and if approved such amended Preliminary Development Plan shall in all respects be considered as if it were the originally adopted Preliminary Development Plan.

Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plans shall necessitate revision of portions of the approved Comprehensive and Preliminary Development Plans located outside of the area to be included within boundaries of the Final Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall first be presented to the Planning Commission in accordance with the provisions of this Code before approval is granted to the Final Development Plan. Final Development Plans are intended to be detailed representations of the total aspects of the approved Comprehensive and Preliminary Development Plans.

- (f) Following receipt of a Final Development Plan and accompanying documents from the Administrator, it shall be the duty of the Planning Commission to review such plan and determine whether it complies with regulations of this chapter, that it represents a detailed and precise expansion and delineation of the previously approved Preliminary Development Plan and that it complies with all conditions which may have been given at the time of approval of the Preliminary Development Plan. The Zoning Officer shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the public meeting at which such Preliminary Development Plan will be considered. Such notices shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.
- (g) If the Planning Commission finds that the Final Development Plan complies in all respects with the regulations of this chapter and the previously approved Comprehensive and Preliminary Development Plans, the Commission shall approve the plan and the chair, vice chair or designee of the Commission shall affix his/her signature and approval date thereto attesting to such approval.

Following approval of the Final Development Plan and the attestation of such action by the chair, vice chair or designee of the Commission, the applicant shall provide one mylar copy of all plans which are part of the Final Development Plan for records of the Municipality.

- (h) The applicant shall have the option of filing the Preliminary and Final Development Plan as one application.
- (i) A final subdivision plat prepared in accordance with applicable requirements of the subdivision regulations for the area covered by the Final Development Plan shall be approved

by Council prior to appropriate recording.

(Ord. 22-2003. Passed 9-16-03; Ord. 25-2007. Passed 7-10-07; Ord. O-12-2014. Passed 6-3-14.)

1159.10 - PROCEDURE FOR APPROVAL OF AN INFILL PLANNED UNIT DEVELOPMENT (I-PUD).

The following procedures shall be used to secure approval of an Infill Planned Unit Development (I-PUD) and the appropriate changes of zoning resulting therefrom.

- (a) The Preliminary Development Plan together with an application shall be filed with the Administrator. Within thirty (30) days of the submittal, the Preliminary Development Plan and accompanying documents shall be forwarded to Council where an ordinance shall be drawn concerning the requested zoning change. The Preliminary Development Plan, accompanying documents and ordinance shall then be forwarded to the Planning Commission for study and recommendation. Copies of the Preliminary Development Plan shall also be forwarded to the Municipal Engineer, Municipal Planner and Solicitor for a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's recommendations being made to Council.
- (b) The Planning Commission shall have a reasonable time not less than thirty (30) days to consider the ordinance and the plan and to report its recommendations to Council. When the report and recommendations of the Commission are received by Council, Council shall establish a date for public hearing on the ordinance and the plan giving notice in accordance with the provisions of Section 1111.07. Such public hearing by Council shall be held within ninety (90) days after the receipt of the report of the Commission unless such time period is extended by mutual agreement of the parties.

The report of recommendations of the Planning Commission on the Preliminary Development Plan and the ordinance, as well as the plan and the ordinance, shall be available for public inspection immediately preceding the public hearing. Adoption of the ordinance including the Preliminary Development Plan shall constitute a rezoning of the property included in the Preliminary Development Plan subject to the applicant's compliance with the provisions of subsections (c) through (f) hereof prior to the development or the construction of improvements contained in the preliminary plan.

- (c) Within two (2) years of notice of approval of the Preliminary Development Plan the applicant shall submit a Final Development Plan for at least twenty percent (20%) of the gross area contained within the approved Preliminary Development Plan. Such area submitted shall consist of the substantive part of the development and shall not be comprised of open spaces, parklands, etc., to the extent of more than one-fourth of the area submitted in the Final Development Plan. Upon good cause shown by the applicant and by a majority vote of the Planning Commission, the Commission may extend the two-year period if the request is submitted prior to the expiration date. Submittal of such plan shall be to the Administrator.

The failure to submit a Final Development Plan within such two-year period (or any such extended period) shall invalidate any prior zoning approval given, forfeit fee payments and the property shall revert to its previous zoning classification. Within thirty (30) days of official acceptance, the Final Development Plan and accompanying documents shall be forwarded to the Planning Commission for study and approval. Copies of the Final Development Plan shall also be forwarded to the Municipal Engineer, Municipal Planner, and Solicitor for preparation of a comprehensive staff report, which report shall have been received by the Planning Commission prior to the Commission's action on the Final Development Plan.

- (d) Following approval of the Preliminary Development Plan, a Final Development Plan may be submitted for all or any part of the approved Preliminary Development Plan provided that no details of any Final Development Plan shall necessitate revision of portions of the approved Preliminary Development Plan located outside of the area to be included within boundaries of the Final Development Plan. If revision of any portion of the Preliminary Development Plan is required, a revised Preliminary Development Plan shall be approved by the Planning Commission and all in accordance with the provisions of this Code before approval is granted to the Final Development Plan. Council shall be required to approve the change. Public notice shall be given in conformance with Section 1111.07.

Final Development Plans are intended to be detailed representations of and in conformance with all aspects of the approved Preliminary Development Plan. Following receipt of a Final Development Plan and accompanying documents from the Administrator, it shall be the duty of the Planning Commission to review such plan and determine whether it complies with regulations of this chapter, that it represents a detailed and precise expansion and delineation of the previously approved Preliminary Development Plan, that it complies with all conditions which may have been given at the time of approval of the Preliminary Development Plan, or that before it can be considered, it requires an amendment of the Preliminary Development Plan.

The Zoning Officer shall notify all owners of neighboring properties as set out in the applicant's affidavit, of the time and place of the public meeting at which such Preliminary Development Plan will be considered. Such notices shall be served by first class mail posted at least ten (10) days before the date of the proposed hearing.

- (e) If the Planning Commission finds that the Final Development Plan complies in all respects with the regulations of this chapter and the previously approved Preliminary Development Plan, the Commission shall approve the plan and the Commission chair, vice chair or designee shall affix his/her signature and approval date thereto attesting to such approval. Following approval of the Final Development Plan and the attestation of such action by the Commission chair, vice chair or designee, the applicant shall provide one mylar copy of all plans as part of the Final Development Plan for records of the Municipality.

At any time the applicant and/or his/her successors in title to the property may submit an amended Preliminary Development Plan. In such event the same procedures shall be followed as in the case of an original Preliminary Development Plan and if approved such amended Preliminary Development Plan shall in all respects be considered as if it were the originally adopted Preliminary Development Plan.

- (f) A final subdivision plat prepared in accordance with applicable requirements of the subdivision regulations for the area covered by the Final Development Plan shall be prepared for Council approval prior to appropriate recording.

(Ord. 22-2003. Passed 9-16-03; Ord. 25-2007. Passed 7-10-07; Ord. O-12-2014. Passed 6-3-14.)

1159.11 - RECORDING AND TRANSFER.

When a final plat is approved by Council, the owner shall file and record the same in the Office of the County Recorder within twelve (12) months unless such time is, for good cause shown, extended by resolution of Council. If not recorded within this time, the approval of Council shall become null and void. If construction is not begun within two (2) years of approval of the Final Development Plan, all approvals and permits shall be invalidated and canceled. Original tracings will become the permanent record of the County Recorder. One copy of this tracing, reproduced on mylar, showing the date and place of recording, shall be supplied by the owner to Council as local public records. Such two (2) year period may be extended by the Commission for good cause.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)

1159.12 - APPEAL.

If the Planning Commission disapproves the Preliminary Development Plan or Final Development Plan in a C-PUD application or the Final Development Plan in a I-PUD application the applicant shall have thirty (30) days in which to file an appeal with the Council for review. Such appeal shall be in writing, filed within thirty (30) days of the disapproval, and shall be filed with the Administrator. Council shall then act within a reasonable time.

(Ord. 44-97. Passed 12-16-97; Ord. 25-2007. Passed 7-10-07.)