

TITLE FIVE - Planned Districts

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**CHAPTER 1147
 Planned Neighborhood District**

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1147.01 PURPOSE.

The purpose and intent of the Planned Neighborhood District is to encourage and provide for freedom of design and arrangement of dwelling units as an alternative to traditional single-family developments by allowing integration of single-family and low to medium density multiple-family housing types. Furthermore, such uses shall lend themselves to effective integration into the neighborhood by location, design and function, and shall be designed to preserve the natural environment. It is encouraged that pedestrian access walks will, whenever feasible, connect to community facilities and public facilities such as schools and churches. (1980 Code 150.050)

1147.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses. Single-family, two-family and multiple-family units and accessory uses incidental to these uses, such as garages shall be permitted. Mobile home parks shall comply with the provisions of this chapter and the standards and regulations of Section 1137.01.

(b) Conditional Uses. Except for single-family and two-family residences, the same conditional uses as listed in the "R-3" District shall apply for the Planned Neighborhood District. (1980 Code 150.050)

1147.03 GOVERNING PROVISIONS.

Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this chapter and those of other sections of this Zoning Code, the provisions of this chapter shall prevail for the development of land for Planned Neighborhood Districts. Subjects not covered by this Zoning Code shall be governed by the respective provisions found elsewhere in this Zoning Code.
(1980 Code 150.050)

1147.04 DEVELOPMENT STANDARDS.**(a) Lot Requirements.**

- (1) Lot Area. No minimum lot area is required, however, the average lot area shall not be less than 10,000 square feet for the lots designated for single family use in a Planned Neighborhood District.
- (2) Yards. No yard requirements or distances between buildings are established in order to enable creativity in design. The applicant shall design the building arrangement in such a way that adequate provision of open space, air, light and the exposure to sunshine is guaranteed to all units and shall state those yard standards to be applied. Zero lot line clusters and variations in building setbacks are encouraged. However, the following minimum standards shall apply:
 - A. Minimum setback of fifteen feet from all public streets shall be maintained in any zero lot line or cluster single-family area and a twenty-five foot minimum in any conventional single-family or multi-family area.
 - B. Minimum lot depth shall be 150 feet as measured by a perpendicular line extending from the front lot line to the rear lot line for the lots designated for single-family use in a Planned Neighborhood District.
- (3) Density. The maximum density shall be six units per net acre except as provided for in the development incentives section of the general site standards. Publicly dedicated street right-of-way shall not be included in the computation of area.
- (4) All single-family lots shall front on a publicly dedicated street.
(Ord. 01-39. Passed 8-27-01.)

(b) Building Requirements. No single-family, two-family or multiple-family structure shall exceed thirty-five feet in height.

(c) General Site Standards.

- (1) The applicable sections of the Subdivision Regulations and the parking, sign and landscaping regulations of the Codified Ordinances shall be met.
- (2) A traffic and parking system plan shall be shown that indicates points of ingress and egress into the property, public and private drives, parking areas, and pedestrian walkway areas. The plan shall be designed to minimize conflict points between pedestrian and vehicular movements.

- (3) The location and size of residential areas shall be shown indicating dwelling type and net density for each separate area. Overall number of units and site net density shall also be given. All areas of the property shall be denoted as to use. The proposed phasing of the development shall be indicated, showing units, acreage, streets, and additional uses for each phase.
- (4) The proposed location, size, and type of use shall be shown for nonresidential uses within the tract including open space, parks, playgrounds, schools, storm water areas and nature preserves.
(1980 Code 150.050)
- (5) The open space requirements set forth in Section 1179.07 shall apply to all property located in a Planned Neighborhood District (R-5).
(Ord. 94-104. Passed 2-27-95.)

- (6) Utilities. All utilities shall be underground, including telephone, electrical and television cable systems within the limits of all Planned Neighborhood Districts. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Commission finds that such exemption shall not violate the intent or character of the proposed residential development.
- (7) Development incentives. This District encourages quality of design and preservation of environment through utilization of open space. A development incentive such as increased densities or increased building heights, not to exceed a safe height as determined by the Fire Chief, can be granted by the Commission based on the following conditions:
- A. The development is directly adjacent to community services such as existing community parks or golf courses.
 - B. The donation of high quality permanent lakes or ponds which may also retain stormwater, if approved by the City Engineer and City Planner.
 - C. Donation of land for development of major community facilities such as parks and elementary and secondary schools, in addition to the minimum open space requirements.

The Planning and Zoning Commission may grant a zoning incentive of up to two-thirds unit per acre for each one of the above-mentioned standards or qualities. Total density cannot exceed eight units per net acre.

(1980 Code 150.050)

1147.05 PROCEDURES.

(a) Preapplication Procedure. The applicant shall meet with the Zoning Inspector prior to the submission of the sketch plan. The purpose of this meeting is to discuss informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with the comprehensive development plan, the major thoroughfare plan, the parks and public open space plan, the subdivision regulations, other relevant information and the drainage, sewer and water systems of the City.

(b) Application and Sketch Plan. An application for a Planned Neighborhood District shall be submitted to the Planning and Zoning Commission by at least one owner or lessee of property for which the Planned Neighborhood District is proposed. At a minimum, the application shall contain ten copies of the following information:

- (1) Name, address and telephone number of the applicant;
- (2) Name, address and telephone number of the registered surveyor, architect, engineer, landscape architect and urban planner assisting in the preparation of the preliminary development plan;
- (3) Legal description of the property;
- (4) Description of the existing use;
- (5) Present zoning district;
- (6) Proposed zoning district;
- (7) A vicinity map at a scale of one inch equals 1,000 feet approved by the Commission, showing property lines, streets, existing and proposed zoning, and such other items as the Commission may require to show the relationship of the Planned Unit Development to the comprehensive plan and to existing schools and other community facilities and services;
- (8) A sketch plan at a scale of one inch equals 200 feet for developments over 100 acres or one inch equals 100 feet for developments less than 100 acres approved by the Commission, showing names of existing streets, rights-of-way, utility easements, parks and community spaces, location and approximate sizes of proposed land uses, and other such characteristics as the Commission deems necessary; and
- (9) Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within three years.
- (10) The application for a preliminary Planned Neighborhood District shall be accompanied by a written statement by the applicant setting forth the reasons why, in his opinion, the Planned Neighborhood District would be in the public interest and would be consistent with the City's statement of objectives for Planned Neighborhood Districts.

(c) Sketch Plan Review. The Commission at its regularly scheduled meeting shall review the sketch plan to determine:

- (1) If it is consistent with the intent and purpose of this chapter;
- (2) Whether the proposed development advances the general welfare of the community and neighborhood; and
- (3) Whether the benefits, combination of various land uses, and the interrelationship with land uses in the surrounding area justify the deviations from standard district regulations.

The Commission's review and approval, in principle, of the sketch plan shall be necessary before an applicant may submit a development plan. Approval in principle shall be construed as an endorsement of the general location of uses, configuration of parcels and design concepts.

(d) Application and Development Plan. After approval of the sketch plan, the developer shall submit a development plan to the Commission. The development plan shall be in general conformance to the sketch plan, as approved. Ten copies of the development plan shall be submitted. The application shall be filed with the Commission by at least one owner or lessee of property for which the Planned Neighborhood District is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for the development plan. At a minimum, the application shall contain the following information:

- (1) A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography at two-foot contour intervals, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses;
- (2) All the information required on the sketch plan, the layout and dimensions of lots and building setback lines, the location and proposed density of dwelling units, and the land use considered suitable for adjacent properties;
- (3) A description of the design principles for streetscapes, tabulations of the number of acres in the proposed project for various uses, number of housing units proposed by type, estimated residential population by type of housing, and standards for height, yard spaces, open space, building density, parking areas and public improvements proposed whenever the application proposes an exception from standard zoning district or other ordinance regulations governing development;
- (4) Landscaping plans that indicate any mounding, planting types and entrance features shall be submitted with each phase; and
- (5) Deed restrictions, protective covenants, trust agreements and other legal statements or devices to be used to control the use, development, and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.

(e) Public Hearing by the Planning and Zoning Commission. Within forty-five days after submission of the development plan for a Planned Neighborhood District, the Commission shall schedule a public hearing. Notice of such hearing shall be given in one or more newspapers of general circulation in the City at least twenty days before the date of the hearing. The notice shall set forth the time and place of the public hearing and a general description of the Planned Neighborhood District.

- (1) Before holding the required public hearing, written notice of such hearing shall be mailed by the office of the Zoning Inspector by first class mail at least ten days before the day of hearing, to all property owners within 200 feet of the subject property. The notice shall contain the same information as required for notices published in newspapers as specified herein.

(f) Recommendation of Planning and Zoning Commission. Within sixty days after the public hearing, the Commission shall recommend to Council that the development plan be approved as presented, approved with supplementary conditions, or disapproved. The Commission shall then transmit all papers constituting the record and the recommendations to Council.

(g) Action by Council.

- (1) Within forty-five days from the receipt of the recommendation from the Commission, Council shall hold a public hearing. Notice of such hearing shall be given by Council in one or more newspapers of general circulation in the City once a week for two weeks at least twenty days before the date of the hearing. The notice shall set forth the time and place of the public hearing and a general description of the Planned Neighborhood District.
- (2) Before holding the required public hearing, written notice of such hearing shall be mailed by the office of the Zoning Inspector by first-class mail at least ten days before the day of hearing, to all property owners within 200 feet of the subject property. The notice shall contain the same information as required for notices published in newspapers as specified herein. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intention of this section to provide notice to the persons substantially interested in the proposed change that an application is pending before Council, proposing to make a change in the zoning map or the regulations set forth in this Zoning Code.
- (3) Within fifteen days after the required public hearing, Council shall either approve, approve with supplementary conditions specified by Council, or disapprove the application.
- (4) In approving any Planned Neighborhood District, Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Code. Violation of such conditions or safeguards, when made a part of the terms under which the concept plan is approved, shall be deemed a violation of this Zoning Code and punishable under Sections 1109.02 and 1109.99.

(h) Expiration and Extension of Approval. The zoning permit for a Planned Neighborhood District shall be valid for a period not to exceed three years to allow for preparation and recording of any required subdivision plat or the development of the project. If no construction has begun within three years after approval is granted, the plan shall be void. An extension of the time limit or modification of the approved concept plan may be approved if the Commission and Council find that such extension or modification is not in conflict with the public interest.

(i) Revision of Plan. After the development plan has been approved by Council and in carrying out this plan, adjustments or rearrangements of uses, lots, buildings, parking areas, entrances, heights or yards may be requested by an applicant, and provided such requests conform to the standards established by the development plan and this chapter such adjustments or rearrangements may be authorized by the Commission.

(j) Partial Development of Planned Neighborhood District.

- (1) A Planned Neighborhood District may be developed in phases. Proposed phases shall be generally identified on the development plan for the entire Planned Neighborhood District. Ten copies of the proposed phasing plan shall be submitted.
- (2) The Commission shall review preliminary and final plat plans of proposed phases and shall approve the plat plans conforming to the development plan as approved by Council.
(1980 Code 150.050)