

CHAPTER 1169—"PD" PLANNED DEVELOPMENT DISTRICT

1169.01 PURPOSE

The purpose of the "PD" Planned Development District is:

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

1169.02 ESTABLISHMENT OF THE REVIEW PROCESS

A Planned Development District overlays an existing zoning district or districts. The establishment of a Planned Development, pursuant to this Chapter, is a three step process. First, the Planned Development District is established by City Council as a zoning map amendment pursuant to Chapter 1133, Changes and Amendments. The approval or denial of the establishment of a Planned Development District is a legislative action by the City Council, with a recommendation by the Planning Commission. Second, a Preliminary Development Plan must be reviewed and acted on by City Council with a recommendation by the Planning Commission pursuant to Section 1169.06 of this Chapter. Action on the Preliminary Plan by City Council is an administrative act. Third, a Final Development Plan must be reviewed and acted on by Planning Commission pursuant to Section 1169.07 of this Chapter. The Planning Commission's action on a Final Development Plan is final.

1169.03 RESIDENTIAL PLANNED DEVELOPMENTS

A. Permitted Uses

The permitted uses in a "PD" Planned Development District shall be those uses permitted in the district in which the "PD" District is to be located; in addition, the following uses shall be permitted in a residential "PD" District:

1. Cluster Housing in areas designated as such on the Milford Land Use Plan in compliance with the following standards:
 - a. The overall density shall not exceed that permitted in the underlying zoning.
 - b. When single family dwellings are to be clustered into townhomes or condominiums, there shall be no more than four units per structure.
 - c. When lots area requirements are decreased to allow for the clustering of single family lots, the minimum lot area shall be 8,000 square feet for each dwelling unit. The remaining undeveloped property may be used to satisfy the open space requirements provided in Section 1169.03 (L).
 - d. Lot or dwelling clustering shall be done in such a way as to protect sensitive areas.
 - e. Sensitive areas shall be identified on both the preliminary and final development plan and shall be treated as common open space that may not be developed in the future.
2. Traditional Neighborhood Residential in areas designated as such on the Milford Land Use Plan in compliance with the following standards:
 - a. Only single family homes shall be permitted.
 - b. The minimum lot area shall be 8,000 square feet, and shall not include the right-of way of a street, road or alley.
 - c. The front yard setback shall be twenty (20) feet.
 - d. The street network shall be designed to continue the existing grid system present in the designated traditional residential neighborhood areas.
 - e. All garages shall be located in the rear yard of the property with access from an alley.
 - f. An alley system shall be provided to provide access to garages.
 - g. Sidewalks with a minimum width of four feet (4') shall be provided on both sides of the street.
 - h. All single family housing shall have a porch that extends along at least 50% of the front elevation.
 - i. Street trees shall be planted on both sides of the street. Such trees shall meet the minimum quality standards set forth in Chapter 1189, Landscaping and Bufferyard Requirements.
3. A "B-1" commercial use provided that the residential "PD" District is twenty acres or more in size. One area may be designated as a neighborhood shopping area, not to exceed two (2) acres in size, except that an additional

one-half acre of “B-1” commercial uses may be permitted for each additional fifteen acres of “PD” District area, but not to exceed six acres.

Where commercial uses are planned in conjunction with residential uses, the commercial uses cannot be constructed until at least sixty percent (60%) of the total dwellings are complete or under construction, unless authorized by the Planning Commission.

B. Project Area

It is the intent of this chapter that the use of the Planned Development District will yield the same net density of dwelling units as would development under conventional zoning. Therefore, the project area that will be used to determine the permitted number of units shall be limited to all of the area within the Planned Development that is devoted to residential use, including open space and recreational uses designed to serve the residential development, specifically excluding but not limited land located within a floodway and land allocated for public right-of-way.

C. Density Calculation

The Planning Commission shall determine the net number of dwelling units which may be constructed within the residential “PD” District by dividing the project area by either of the following:

1. The required lot area per dwelling unit which is required in the district on which the “PD” District is located; or
2. The required lot area per dwelling unit which is required in the district on which the “PD” District is located, as modified by any increases in density permitted under Subsection (H) below.

D. Planned Development in Multiple Zoning Districts

If a residential “PD” District covers more than one (1) zoning district, the number of allowable dwelling units must be separately calculated for each portion of the “PD” District located in a separate zoning district, and then must be combined to determine the number of dwelling units allowable in the entire “PD” District. However, the distribution of the dwelling units within the “PD” District is not to be affected by existing zoning district boundaries.

E. Submittal Requirements

A development plan shall be submitted consistent with Sections 1169.06 and 1169.07.

F. Subdivision Review

Wherever the provisions of this Chapter and the Subdivision Regulations are in conflict, the more restrictive or detailed requirements shall be met, unless waived or altered by the Planning Commission.

G. General Guidelines

In evaluating a proposed Development Plan, the following guidelines shall be used by the Planning Commission.

1. The residential “PD” district is consistent with the goals and objectives of the Milford Land Use Plan.
2. The residential “PD” district is an effective and unified treatment of the development possibilities on the project site, and the development plan makes appropriate provision of the preservation of streams and stream banks, wooded cover, rough terrain and similar area.
3. The residential “PD” district is planned and developed to harmonize with any existing or proposed development in the area surrounding the project site.
4. Off-street parking and loading areas are provided in accordance with Chapter 1187, Off-Street Parking and Loading requirements.
5. There is a beneficial relationship between the proposed residential “PD” district and the neighborhood in which it is to be established.
6. Evidence of sufficient or proposed off-site and on-site services and infrastructure is presented. If the services or infrastructure are not in place, assurances that the improvements will be in place at completion of construction of the project shall be required.
7. The proposal meets the purpose set for the “PD” Planned Development District as set forth in Section 1169.01, Purpose.
8. The proposal meets all the regulations for “PD” Planned Development Districts as set forth in this Chapter.
9. Common open spaces and recreational areas should be linked together by walkways or planting areas.
10. Where commercial uses are proposed within the residential planned development, buffering and landscaping should be used to create a natural separation between the uses.
11. Commercial uses shall be designed to resemble the character of the surrounding residential buildings.
12. Buildings should be sited in an orderly, non-random fashion. Long unbroken building facades should be avoided.

13. Short loop streets, cul-de-sacs and residential streets shall be used for access to residential areas in order to provide a safer living environment and a stronger sense of neighborhood identity.
14. Street location and design shall conform to the existing topographic characteristics. Cutting and filling shall be minimized in the construction of streets.
15. Adequate landscaping shall be provided throughout the site to create an attractive development, to reduce the amount of impervious surface created and to prevent large expanses of uninterrupted pavement areas.
16. Consideration should be given to the provision of bus shelters.

H. Density Increase

The Planning Commission shall authorize an increase in the density of the planned development under the following circumstances provided that the negative impacts listed in paragraph (I) below would not be created by such increase in density:

1. For undeveloped common open space above the minimum amount required in Section 1169.03 (L), a maximum increase of three percent (3%).
2. For improved common open space above the minimum amount required in Section 1169.03 (L), a maximum increase of five percent (5%).
3. For distinctiveness and excellence in site, design and landscaping, a maximum increase of five percent (5%).

In no case shall the density in the planned development be increased by more than ten percent (10%).

I. Control of Density Increase

If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted in subsection (H), it may then deny or limit any increase in density by an amount that is sufficient to avoid the creation of any of these conditions.

1. Congested or unsafe access to the planned development; or
2. Traffic congestion in the streets which adjoin the planned development; or
3. An excessive burden on parks, recreational areas, schools and other public facilities that serve or are proposed to serve the planned development.

J. Spacing and Building Height

1. The location of all structures shall be as shown on the development plans. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.
2. Minimum lot areas, frontage and yard requirements may be waived by the Planning Commission provided that the overall density standards required in this Chapter are maintained and that the Planning Commission determines that the proposed development complies with the intent of this Chapter.

K. Peripheral Setbacks

If the Planning Commission determines that topographical or other barriers do not provide a sufficient buffer between residential "PD" Districts and contiguous land uses to avoid hazardous impact upon the economic value of the contiguous real estate, the Planning Commission shall impose either or both of the following requirements.

1. Structures and parking area located on the perimeter of the residential "PD" District may be required to be set back by a distance sufficient to protect against an adverse impact upon the economic values of contiguous land;
2. Structures located on the perimeter of the residential "PD" District may be required to be permanently screened in a manner that is sufficient to protect against adverse impact on the value of contiguous land.

L. Open Space Requirements

Common open space shall be provided as follows:

1. Common open space must comprise at least twenty percent (20%) of the project area, excluding areas used for vehicle parking and circulation; provided however that this requirement shall not apply to Traditional Neighborhood Residential as permitted in Section 1169.03 (A) (2).
2. No open area may be accepted as common open space under the provisions of this section unless it meets the following standards:
 - a. Common open space must be reserved for amenity or recreational purposes. The uses authorized for the common open space must be appropriate in size and character considering the size, density, expected population, including ages and number, topography, and the number and type of dwellings within a residential "PD" district.
 - b. Common open space must be improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved.

- c. The development schedule that is part of the development plan must coordinate the phasing of improvements to the common open space, the construction of buildings, structures, landscaping and other improvements in the common open space and the construction of residential dwellings in the residential “PD” District.
 - d. If the final development plan provides for buildings, structures, landscaping and other improvements in the common open space, the developer must provide a bond or other adequate assurance that the buildings, structures, landscaping and other improvements will be completed. Upon request of the developer, the Planning Commission may delay the requirements of posting bond, such delay to be based upon the development schedule. If the developer does not complete the buildings, structures, landscaping and other improvements within the time set forth in the schedule, then the Planning Commission shall require that a bond be provided for the remainder of the improvements. The Planning Commission shall release the bond or other assurance as the buildings, structures, landscaping or other improvements have been completed according to the development plan.
 - e. The use and improvement of the common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within one thousand five hundred (1,500) feet of the perimeter of the residential “PD” District.
2. All land shown on the development plan as common open space shall be conveyed to a public agency or non-profit organization under one of the following options.
- a. It may be conveyed to a governmental agency if such agency agrees to maintain the common open space and any buildings, structures, landscaping or other improvements that have been placed on such land.
 - b. It may be conveyed to a non-profit organization provided in a publicly recorded document establishing an association or similar organization for the maintenance of the residential “PD” District. The common open space shall be conveyed to the trustees subject to covenants to be approved by the Planning Commission that restrict the common open space to the uses specified on the development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
3. If the common open space is not conveyed to a public agency or non-profit organization, one of the following methods of enforcement may be provided.

- a. The legal right to develop the common open space for those uses not specified in the development plan may be conveyed to a governmental agency.
 - b. The restrictions governing the use, improvement and maintenance of the common open space may be stated as conditions to the conveyance of the open space, the fee title to the common open space to vest in governmental agency, at its discretion, in the event of a substantial default in the stated conditions.
 - c. The covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provision.
5. The Zoning Inspector shall not issue a zoning permit for any building or structure shown on the development plan for any stage of the residential “PD” District unless the common open space allocated to that stage by the development schedule has been conveyed under one of the options provided in subparagraph (2) above.

M. Screening

The residential “PD” District shall be effectively screened from adjoining existing uses so as to protect their privacy and amenity.

1169.04 COMMERCIAL, OFFICE, INDUSTRIAL PLANNED DEVELOPMENTS

A. Permitted Uses

The permitted uses in a “PD” Planned Development District shall be those uses permitted in the district in which the “PD” District is to be located.

B. Intensity of Uses

The overall density of the “PD” District shall not exceed the overall density permitted in the district regulations in which the “PD” district is located.

C. Planned Development in Multiple Zoning Districts

If a non-residential “PD” District covers more than one (1) zoning district, the density and uses permitted must be separately calculated for each portion of the “PD” District located in a separate zoning district, and then must be combined to determine the density and uses allowable in the entire “PD” District.

D. Submittal Requirements

A development plan shall be submitted consistent with Sections 1169.06 and 1169.07.

E. General Guidelines

In evaluating a proposed Development Plan, the following guidelines shall be used by the Planning Commission.

1. The non-residential “PD” district is consistent with the goals and objectives of the Milford Land Use Plan.
2. The non-residential “PD” district is a unified treatment of the development possibilities on the project site, and the development plan makes provisions for the preservation of streams and stream banks, wooded cover, rough terrain and similar area.
3. Off-street parking and loading areas are provided in accordance with Chapter 1187, Off-Street Parking and Loading Requirements.
4. Evidence of sufficient or proposed off-site and on-site services and infrastructure is presented. If the services or infrastructure are not in place, assurances that the improvements will be in place at completion of construction of the project shall be required.
5. All buildings and parking areas within the planned development shall not occupy more than sixty percent (60%) of the planned development area. The remainder of the land shall be preserved as either improved or unimproved open space.
6. Any area that is designated as open space may be conveyed under one of the options listed in Section 1169.03 (L) (2).
7. The proposal meets the purpose set for the “PD” Planned Development District as set forth in Section 1169.01, Purpose.
8. The proposal meets all the regulations for “PD” Planned Development Districts as set forth in this Chapter.
9. Screening of intensive uses shall be provided utilizing landscaping, fences or walls to enclose internal areas.
10. Parking and loading areas should be placed in the rear wherever possible.
11. When parking is located in front of the building, landscaping and fencing shall be used to screen the parking areas from the road.
12. Pedestrian and vehicular circulation should be separated as much as possible, though crosswalks, raised curbs or complete grade separation.
13. Special consideration should be made when joint driveways and shared parking areas are utilized.

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

F. Spacing and Building Height

1. The location of all structures shall be as shown on the development plans. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. All buildings shall be so located to avoid the casting of unbroken shadows on adjoining parcels for longer than one hour per day.
2. District lot areas, frontage and yard requirements may be waived by the Planning Commission provided that the overall density standards provided for in this Chapter are maintained and that the Planning Commission determined that the proposed development complies with the intent of this Chapter.

G. Peripheral Setbacks

If the Planning Commission determines that the topographical or other barriers do not provide sufficient buffer between the non-residential "PD" District and contiguous land uses to avoid hazardous impact upon the economic values of contiguous real estate, the Planning Commission shall impose either or both of the following requirements.

1. Structures and parking area located on the perimeter of the non-residential "PD" District must be set back by a distance sufficient to protect against an adverse impact upon the economic values of contiguous land;
2. Structures located on the perimeter of the non-residential "PD" District must be permanently screened in a manner that is sufficient to protect against adverse impact on the value of contiguous land.

H. Screening

The non-residential "PD" District shall be effectively screened from adjoining existing uses so as to protect their privacy and amenity. The "PD" District shall meet the landscaping and buffering requirements set forth in Chapter 1189, Landscaping and Bufferyard Requirements

I. Parking and Loading Requirements

The non-residential "PD" District shall meet the parking and loading requirements set forth in Chapter 1187, Off-Street Parking and Loading Requirements

1169.05 ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT

- A. A “PD” Planned Development District shall be established through the zone change process established in Chapter 1133, Changes and Amendments.
- B. Once the establishment of the “PD” Planned Development District has been approved by Council, the “PD” District shall be shown on the Official Zoning Map as an overlay zone to the underlying zoning district.
- C. A request for a zone change to the underlying zoning district may be done concurrently with the establishment of the “PD” Planned Development District.

1169.06 APPLICATION FOR PRELIMINARY DEVELOPMENT PLAN

- A. An application shall be filed concurrently with the request for the establishment of a “PD” District with the Planning Commission by the owner(s) or authorized agent of all property included in the development. The application shall accompany a general development plan, including maps, sketches, elevations and supporting documents to fully describe the following elements;

The general nature, location and objectives of the proposed development;

- 1. The areas of the project to be used for single-family detached dwellings, clustered housing, indicating for each such area the number of housing units by type and size, the number of bedrooms per unit of each type of housing, and the total residential density for the project;
- 2. The areas of the project to be used for commercial, office or other activities indicating the total square footage of each use;
- 3. The boundaries of the project including a legal description of the metes and bounds of the parcel and the acreage therein;
- 4. An area map showing adjacent property owners and existing land uses within 200 feet of the parcel;
- 5. Existing contours at ten feet intervals or less;
- 6. The proposed street system for the project, designating collector and arterial streets and describing their configuration in conformance with the plans and standards of the City;
- 7. A traffic impact study for the “PD” Planned Development area.
- 8. Descriptive data concerning the existing and proposed sewer, water and storm drainage, facilities within the project, indicating their location;
- 9. Community facilities, including recreational, common open space and other non-building areas designated within the project, indicating areas to be in common ownership; and

10. A document describing the proposed development schedule for the project for all dwelling units, commercial or office structures, recreational uses, common open space, recreational areas, landscaping and other common facilities.
 11. Any additional information as the City, Planning Commission or Council may reasonably require.
- B. The Planning Commission shall review the development plan and accompanying documents and may re-request such review and comment by the City Engineer, other City agencies and/or private consultants as may be necessary.
 - C. The Planning Commission shall render a written recommendation of approval, approval with conditions or disapproval to Council and the applicant on whether the Preliminary Development Plan meets the standards set forth in this Chapter.
 - D. Upon receipt of the Planning Commission's report and recommendations, Council shall, in conformity with the provisions of this Zoning Ordinance and the Ohio Revised Code, approve, approve with conditions, or disapprove the Preliminary Development Plan. Approving a Preliminary Development Plan shall include such criteria and guidelines as Council deems appropriate for the guidance of the developer and the Planning Commission. The action on the preliminary development plan shall be considered an administrative act of Council and shall not be deemed a district change.
 - E. Once the preliminary plan is approved, the property owner or developer has twelve months to submit a final plan or the preliminary plan will become void and will require re-submission to the Planning Commission.

1169.07 FINAL DEVELOPMENT PLAN APPROVAL

After approval of the Planned Development District by Council, approval of the final development plan shall be obtained from the Planning Commission. The following procedures shall regulate this process.

- A. Final Development Plan. For final approval of uses, the owner shall file a final development plan for any specific area within the project or the overall project with the Planning Commission. This final development plan shall show the following:
 1. The area to be developed and the area to be devoted to common open spaces for the use of all residents of the area with accurate acreage for each use, courses and distances to determine the boundaries of the development parcel;
 2. Final grading plans, indicating cubic footage of cuts and fills;
 3. The interior roadway system, indicating existing and proposed rights-of-way and easements and cross sections of new or improved streets;

4. Site plans, floor plans, elevations and cross sections for all building;
 5. Descriptive data as to the type of building, square footage for each use, number of dwelling units in each building type;
 6. The proposed open space system and areas to be in common ownership. Where multiple ownership is proposed, a detailed plan setting forth the manner, means, and proposed time of transfer of the land to a nonprofit entity, the means of development and maintenance, and the obligations and rights of use of such open space by all residents and/or tenants of the development;
 7. A detailed landscaping plan for any new residential areas, indicating all existing and proposed vegetation by species, size and caliper; dimensions and materials and special lighting features; and
 8. Any modifications of the general plan data presented and approved for the Planned Development District.
- B. Review. The Planning Commission, shall review the final development plan and approve, modify and approve or disapprove the application for final approval of uses and transmit notice thereof to the applicant. The Planning Commission shall base its final approval only upon finding that the following requirements are met.
1. The design, size and use are consistent with the preliminary development plan approved by Council.
 2. The size of the first stage of development is appropriate and can effectively implement the development within the confines of the approved district.
 3. The location, design, size and uses shall be adequately served by existing or planned facilities and services.
 4. The location, design, size and uses shall result in an attractive, healthful, efficient and stable environment for residential and/or commercial development.
- C. Approval Documented. The approval of the Planning Commission shall be documented and entered into the plan for the area and become a permanent part of the Planning Commission's records.
- D. Permits and Certificates. After approval by the Planning Commission, and such staff or consultants as may be required or deemed appropriate, of the final development plan, submission of appropriate subdivision plats and building construction drawings shall be made. Building and construction permits and zoning compliance permits shall be conditioned upon adherence to the total development plan including landscaping, design considerations, and the construction of necessary public improvements.

- E. Modifications to Approved Plan. Minor changes to an approved final development plan may be approved by the Zoning Inspector if such changes are consistent with the purpose and general character of the development plan. Other modifications, including extension or revision of the staged development schedule, shall require the approval of the Planning Commission.
- F. Revocation. In the event of a failure to comply with the approved plan or any condition of approval, including failure to comply with the staged development schedule, the Planning Commission may, after notice, rescind and revoke such approval. Violation of the final approval of uses for a Planned Development District shall constitute violation of this Zoning Ordinance.
- G. General Performance Criteria and Requirements. The Planning Commission shall review and evaluate the following requirements for any submitted Planned Development District:
1. All electric, telephone and other utilities shall be placed underground by the developer, unless otherwise specified by the Planning Commission.
 2. The Planning Commission may require that suitable areas for parks or playgrounds be set aside that is improved or permanently reserved for the owners and residents of the development.
 3. Easements necessary to the orderly extension of public utilities may be required as a condition of approval.
- H. Recording of Final Development Plan. After the Planning Commission has approved the final development plan, the plan shall be filed as a final plat following the procedure set forth in Chapter 1105, Plat Procedures and Data Requirements, and shall be recorded in the office of the County Recorder. Upon recording of the final plat, the Zoning Inspector shall be authorized to issue a Zoning Permit to allow for the construction of the planned development as approved by the Planning Commission.
- I. Submission with Plats and Drawings. The submission of a final development plan by the developer may be coterminus with submission of appropriate subdivision plats and construction drawings for on-site improvements. Approval of such subdivision plats and construction drawings shall be conditioned upon the approval of the final development plan.
- J. Time Limit. Once the final development plan is approved, the property owner or developer will have twelve months to begin construction in compliance with the final development plan or the planned development will become void and will require re-submission of the preliminary plan to the Planning Commission.

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