

ORDINANCE NO. 2-77  
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILPERSON Russell Swartz ON THE 24th  
DAY OF January, 1976.

AN ORDINANCE AMENDING ORDINANCE NO. 15-61, THE ZONING ORDINANCE,  
BY THE ADDITION OF SECTION 36 - CONDITIONAL USE - RESIDENTIAL  
PLANNED UNIT DEVELOPMENT

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. That Ordinance 15-61, The Zoning Ordinance, is hereby  
amended by the addition of the following Section 36:

SECTION 36  
CONDITIONAL USE  
RESIDENTIAL PLANNED UNIT DEVELOPMENT

Sec. 36.01 Intent

A Residential Planned Unit Development is a land development project that is comprehensively planned as a single entity via a unitary site plan. It shall be recognized as a process which seeks to promote creative and imaginative residential development of land which is in the best interest of the City of Centerville. To accomplish this purpose, it shall be recognized that any or all of the following conditions shall be met:

1. to permit in Residential Planned Unit Development a variety of dwelling types, including single-family, two-family and multi-family dwellings of the townhouse and garden apartment types, and at a maximum density as permitted in the zoning district within which the planned unit development is proposed;
2. to permit the flexible spacing of lots and buildings in order to promote:
  - a. the separation of pedestrian and vehicular circulation.
  - b. the conservation of natural amenities of the landscape.
  - c. the provision of readily accessible open space.
  - d. the development of functional and interesting residential neighborhoods.
  - e. the provision of a necessary compliment of community facilities.

Review of proposed Residential Planned Unit Development projects shall be conducted under the provisions of the City's Subdivision Regulations, unless the Subdivision Regulations are waived or altered by the Planning Commission.

Sec. 36.02 Definition

- A. A "Residential Planned Unit Development" is an area to be developed as a single entity according to an approved plan containing one or more residential structures, that may include appropriate commercial or quasi-public uses designed and intended for the exclusive use of the residents of the development.
- B. "Community Facility" is a variety of facilities of sufficient size and convenient location to meet the needs of neighborhood areas of larger geographic areas of the City. These facilities consist of a variety of items similar to and including those listed below:
  1. Schools
  2. Open Space
  3. Parks and Recreation
  4. Libraries
  5. Hospitals
  6. Police and Fire Protection Facilities
  7. Local Government Administrative Offices

- C. "Town Center" (Community Building, Party Facility) shall be inclusive of all buildings or structures which are provided for the exclusive use of occupants of a development and their guests.

Sec. 36.03 Application Filing Fees

- A. Preliminary Plan Review: When submitting a Preliminary Development Plan, the applicant shall pay a fee of \$75.00 for the first acre (or portion thereof) of the proposed Residential Planned Unit Development, and \$10.00 for each additional acre included in the proposal.
- B. Final Development Plan Review: When submitting a Final Development Plan, the applicant shall pay a fee of \$75.00 for the first acre (or portion thereof) of the proposed Residential Planned Unit Development, and \$25.00 for each additional acre included in the proposal.

Sec. 36.04 Contents of the Preliminary Development Plan

In addition to one map or series of maps at a scale no smaller than one inch equals one hundred feet (1" = 100'), the Preliminary Plan shall include all of the following items of information:

- A. The proposed name, location (by section, town, range, and/or lot(s)), date, scale, north arrow, locational plan, the total acreage of the Residential Planned Unit Development, the number of dwelling units, lots and resulting density computed according to Section 36.12.
- B. The nature of the applicant's interest in the land that is proposed to be developed, as well as a statement setting forth the reasons why a Residential Planned Unit Development will be in the best interest of both the surrounding neighborhood and the City of Centerville.
- C. The location, size and arrangement of all existing streets, structures and utilities within the Residential Planned Unit Development and adjacent to the Residential Planned Unit Development.
- D. A plat illustrating proposed street systems (public and private) and areas proposed to be conveyed, dedicated or reserved for:
  - 1. Parks
  - 2. Open Space (natural and/or improved)
  - 3. Playgrounds
  - 4. School Sites
  - 5. Public Buildings
  - 6. Quasi-public Buildings and/or Facilities
- E. The substance of any existing or proposed covenants, easements, or other restrictions upon the use of the land or its structures, and particularly as it relates to the maintenance of open space and/or commonly owned space (i.e. streets, walks, etc.).
- F. Topographic map of the project area at a scale of not less than one inch equal to one hundred feet (1" = 100'); to include physical features of the land.
- G. Location, description and acreage of all proposed open space areas.
- H. Location and width of proposed streets, sidewalks, walkways and public rights-of-way.
- I. The location, size and number of all automobile parking areas. Parking areas for recreational vehicles shall be separate and apart from normal automobile parking and will be screened and secured in accordance with Section 36.17.
- J. The proposed pedestrian and traffic flow patterns for the entire project, as well as the points at which the traffic from the Residential Planned Unit Development will meet existing streets and sidewalks in the area.
- K. Calculations of the watershed area of the proposed development and a statement concerning the type of storm drainage facilities needed.

- L. General landscape plan indicating existing tree areas, areas of existing trees to be preserved and areas where landscape improvements are planned.
  - M. Layout of proposed lots, including lot lines, lot numbers, dimensions and areas of each lot.
  - N. The location of single-family lots including density; and two-family lots including density.
  - O. The general location of each multiple-family structure indicating the number of units in each.
  - P. Proposed schedule of development for all sections of the Residential Planned Unit Development.
  - Q. A complete and accurate list of all property owners within five hundred feet (500') of the Residential Planned Unit Development.
- Sec. 36.05 Review of Preliminary Development Plan
- A. The Planning Commission shall give notice to the following:
    - 1. Property owners located within five hundred feet (500') of the proposed project and in accordance with the procedures set forth in the conduct of a public hearing for a variance.
    - 2. Other interested parties that have notified the Planning Department, in writing, that they wish to be informed of developmental plans in that area.

Those persons or interested parties attending the public hearing (including Sec. 36.05, A, 1, 2) shall be provided an opportunity to be heard.

- B. The Planning Commission shall review the Preliminary Development Plan and render a decision no later than sixty (60) days after the public hearing.
  - C. Wherever the provisions of this section and the Subdivision Regulations are in conflict, the more restrictive or detailed requirements shall apply, unless waived or altered by the Planning Commission.
- Sec. 36.06 Submission of the Final Development Plan
- A. Submission of the Final Development Plan of the Residential Planned Unit Development shall be made within six (6) months following the approval of the Preliminary Development Plan by Council. Approval of the Preliminary Development Plan is established as the date of the council meeting when approved.
  - B. If the Final Development Plan is not filed with the Planning Commission within six (6) months, the Preliminary Plan will lapse, unless for a good cause shown the applicant requests the Planning Commission to extend up to an additional six (6) months the period for filing of the Final Development Plan.
  - C. A Final Development Plan may be submitted for one section of the Residential Planned Unit Development at a time; however, in such case all of the following shall be observed:
    - 1. A section shall not be less than five (5) acres in size, except for the last section which may be less than five (5) acres.
    - 2. Each section shall contain no less than a proportionate share of the total open space.
    - 3. Final Development Plans for sections shall be submitted at intervals no greater than one (1) year from date of approval of the preceding section.

- Sec. 36.07 Planning Commission Review of the Final Development Plan
- A. The Planning Commission shall review the Final Development Plan provided that:
    - 1. Submission of the final development is in conformance with Section 36.06, Submission of the Final Development Plan;

2. The Final Development Plan is in substantial compliance with the approved Preliminary Development Plan;
3. If the Final Development Plan is approved with modifications, the Planning Commission shall not grant approval until the applicant has filed with the Planning Commission written consent to the plan as modified.

Sec. 36.08 Contents of the Final Development Plan

A. The Final Development Plan shall consist of the following:

1. All of the items as approved on the Preliminary Development Plan in Section 36.04, Contents of Preliminary Development Plan;
2. A Record Plan showing all of the following:
  - a. Name of subdivision, location (by section, town, range, lot(s), county, state), date, north arrow, scale and total acreage of the Residential Planned Unit Development.
  - b. All plat boundaries with lengths of courses to the nearest one-hundredth of a foot (0.01) and bearings to half minutes.
  - c. Error for closure shall not exceed 1 to 10,000.
  - d. Exact location and width of streets or other public ways within the Residential Planned Unit Development; and adjacent to the project for a distance of two hundred and fifty feet (250').
  - e. Bearings and distances to nearest established street lines, municipal, township, county or section line, or corners or other recognized permanent monuments, which shall be accurately described or located on the plat.
  - f. The exact layout including street and alley lines with names, bearings, angles of intersection and widths; lengths of all arcs, radii, internal angles, points of curvature and tangent bearings; measurement along center line of street; all easements for rights-of-way provided for public utility and any limitations of such easements.
  - g. All lot numbers and lines, with accurate dimensions to hundredths of a foot, with bearings or angles to street line.
  - h. Accurate outline of all property which is offered for dedication for common open space use or reserved for the common use of the property owners, with purpose indicated thereon.
  - i. Building setback lines with dimensions shall be shown on all lots intended for single-family and two-family uses in a Residential Planned Unit Development. The general location of a simplified outline of each multi-family structure indicating the number of dwelling units in each. Building setbacks may be negotiated with the Planning Commission as long as they reflect the goals of the Residential Planned Unit Development process.
  - j. Accurate location and material of all permanent reference monuments.
  - k. Protective covenants, if any, to be shown on plat.
  - l. Protective covenants for all Residential Planned Unit Development projects shall be clearly identified on the Record Plan. Additionally, all covenants pertaining to the maintenance of common ground, open space and recreational facilities shall be submitted on a separate sheet of paper and in the exact form that said information will appear on the Record Plan or deeds.

- m. Maintenance agreement concerning all common open space, recreational facilities and streets (private) shall be placed on the Record Plan and the individual deeds of parcels.
  - n. Certification by a registered surveyor to the effect that the plan represents a survey made by him and the plan shows proposed monuments, their location size and material.
  - o. Acknowledgment by the owner or owners, of their adoption of the plat and dedication of the streets and other public ways.
  - p. Names and locations of adjoining subdivisions and locations and ownership of adjoining unsubdivided property.
  - q. The final plat shall be drawn accurately to scale designated graphically and numerically on the plat. Minimum scale shall be one hundred feet (100') to the inch.
3. Detailed construction drawings for all required improvements.

Sec. 36.09 Required Conditions

The Planning Commission may give its approval if a Residential Planned Unit Development satisfies all of the following:

- A. The Residential Planned Unit Development is consistent with the City's Comprehensive Development Plan.
- B. The Residential Planned Unit Development is an effective and coordinated approach to the development possibilities on the project site, and the development plan provides appropriate provision for the preservation of streams and stream banks, wooded cover, rough terrain and similar features.
- C. The Residential Planned Unit Development can be planned and developed in a manner that will harmonize with any existing or proposed development in the area surrounding the project site.
- D. There shall be off-street parking in accordance with Section 14 A, Figure 1.
- E. The Planning Commission shall make the following determinations as to:
  - 1. The relationships, beneficial or adverse, of the proposed Residential Planned Unit Development to the neighborhood (or area) in which it is to be established.
  - 2. Whether the proposal meets the intent and objectives for the Residential Planned Unit Development as expressed in this section.
  - 3. Whether the proposal meets all of the regulations for the Residential Planned Unit Development.

Sec. 36.10 Revision (Amendment) Procedures

The Residential Planned Unit Development shall conform to the approved Final Development Plan. The applicant, his successors, assignees or nominee shall make no alterations, additions or deletions to the Final Development Plan, related documents or to the site, except as provided herein.

- A. Upon approval of a Final Development Plan for a Residential Planned Unit Development, changes may be made only pursuant to a reapplication of a Residential Planned Unit Development which shall be processed and approved in accordance with this section.

Minor changes to the Final Development Plan, related documents or to the site may be reviewed and approved administratively as prescribed in Section 36.10, B and C, provided the overall density of the project is not increased. Changes involving street layouts will require review by the Planning Commission and other affected agencies.

- B. If the City Planner and/or the City Engineer deem the requested change as being more significant, and/or if the City Planner and/or City

Engineer do not deem it prudent to authorize the requested change themselves, the Planning Commission may authorize such changes to the approved Final Development Plan without requiring a reapplication, again provided that the overall density is not increased and that a determination has been made that the proposed changes are consistent with the intent and objectives of this section; otherwise the requested changes shall be deemed major changes requiring the full process of a Residential Planned Unit Development.

- C. The Planning Commission may authorize minor changes to the approved Final Development Plan without requiring a reapplication, provided that the overall density is not increased and that a determination has been made that the proposed changes are consistent with the intent and objectives of this section; otherwise the requested changes shall be deemed major requiring the full process of a Residential Planned Unit Development.

#### Sec. 36.11 Commercial Uses

If the Planning Commission deems it desirable, commercial uses may be permitted provided they are designed and intended for the exclusive use of the development. All uses shall:

- A. Be located within a multiple dwelling, an administration building for the development or a building providing a town center, community building, party facility or operations of a similar nature for the exclusive use of occupants of the development and their guests.
- B. Have no business signs, advertising or displays visible from the outside of the building in which they are located.
- C. Have a combined total area that does not exceed five (5) percent of the gross floor area of all dwellings within the development, or eight thousand (8,000) square feet, whichever is less.
- D. Any multiple dwelling, an administration building for the development or a building containing community facilities that may house commercial uses shall be located to the interior of the project.

#### Sec. 36.12 Calculation of Project Densities

The Planning Commission shall determine the number of dwelling units which may be constructed within the Residential Planned Unit Development by dividing the project area by either of the following:

- A. The required lot area per dwelling unit as specified by the existing zoning of the property, and as modified by any increase in density in accordance with Section 36.13 hereof.
- B. If the Residential Planned Unit Development is in more than one (1) zoning district, the number of dwelling units shall be calculated for each portion of the Residential Planned Unit Development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire Residential Planned Unit Development. The allowance for the total number of dwelling units thus computed may be increased in accordance with Section 36.13, Standards for Increase in Density. The distribution of dwelling units within the Residential Planned Unit Development is not to be affected by existing zoning district boundaries.

#### Sec. 36.13 Standards for Increase in Density

- A. The Planning Commission may authorize an increase in the density of the Residential Planned Unit Development under the following standards:
  - 1. For undeveloped common open space above the minimum amount required, a maximum increase of the density shall not exceed three (3) percent.
  - 2. For improved common open space above the minimum amount required, a maximum increase of the density shall not exceed five (5) percent.
  - 3. For excellence of design and layout as it pertains to the siting,

design and landscaping, a maximum increase of the density shall not exceed five (5) percent.

It is the discretion of the Planning Commission to consider increases in the densities of the development in accordance with the maximum amount allowable within each category as allowed in Section 36.13, A, 1, 2 and 3.

B. Increases in project development shall not exceed ten (10) percent of the density as permitted in Section 36.13, Standards for Increase in Density.

Sec. 36.14 Controls on Density Increase

A. If the Planning Commission determines that any of the following conditions would arise as a result of an increase in density, density as permitted in Section 36.13, Standards for Increase in Density, it may then implement either of the provisions listed in paragraph B.

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

B. The Planning Commission may implement either of the following provisions as a method to control the conditions specified in paragraph A.

1. Prohibit any increase in density; or
2. Limit the increase of density to an amount sufficient to avoid the creation of any of these conditions.

Sec. 36.15 Minimum Project Area and Delineation of Project Area

A. The minimum project area for Residential Planned Unit Development shall be ten (10) acres more or less.

B. The project area includes all of the land within the Residential Planned Unit Development excluding land which is allocated for streets.

Sec. 36.16 Buildings: Spacing and Height

A. The proposed location and arrangement of structures shall not be detrimental to existing dwellings, neighborhoods or projects, or proposed projects.

B. All buildings shall be situated so as to obviate the casting of unbroken shadows on adjoining parcels for prolonged periods.

C. Frontage requirements of zoning districts may be waived by the Planning Commission provided that the overall density standards in Section 36.12, Calculation of Project Densities are maintained and that the proposed development complies with the intent of this section.

D. Yard requirements of zoned districts may be waived by the Planning Commission provided that the overall density standards in Section 36.12, Calculation of Project Densities are maintained and that the proposed development complies with the intent of this section.

Sec. 36.17 Screening Requirements

A. If natural topographic features or landscaped barriers do not provide adequate privacy for existing uses adjacent to the Residential Planned Unit Development, the Planning Commission shall impose one or more of the following requirements:

1. Parking areas located on the perimeter of the Residential Planned Unit Development, a setback of twenty feet (20') shall be required.
2. Landscaping or screening shall be provided in all R-3 and R-4 multi-family district developments wherever the development is adjacent to other residential districts and shall be as follows:
  - a. A solid masonry wall or solid fence, not less than four feet (4') nor more than six feet (6') in height, shall be erected along all property lines adjoining or abutting a lot or parcel in any single-family residential district, and along a property line of any public alley if such alley abuts any property in a single-family district. In lieu of such wall or fence: a strip of land, not less than twenty feet (20') in width, planted with an evergreen hedge or a dense planting of evergreen shrubs, not less than four feet (4') in height, to be located on said strip at least twenty feet (20') from the property line and to a density that cannot be seen through, may be substituted; and such strip and shrubs shall be maintained in good condition.
3. Community facilities located on the perimeter areas shall be subject to provisions 1 and 2 of this section.

Sec. 36.18 Open Space Requirements

The Planning Commission may approve the Residential Planned Unit Development if it finds that the development plan provides areas for allocation as common open space which satisfy the standards governing the utility and quality of common open space as described in this section.

- A. No open area may be accepted under the provisions of this section unless it meets the following standards:
  1. Common open space shall comprise at least twenty (20) percent of the project area as defined in Section 36.12 hereof, excluding streets and common parking areas.
  2. The location, shape, size and character of the common open space must be suitable for the Residential Planned Unit Development.
  3. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the Residential Planned Unit Development, considering its size, density, expected population, including ages and number, topography and the number and type of dwellings to be provided.
  4. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, landscaping and other improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.
  5. The development schedule which is part of the Preliminary and Final Development Plan must coordinate the improvement of 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 Planned Unit Development.
  6. 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 at the time set forth in the schedule, then the Planning Commission shall recommend to Council that a bond be provided for the remainder of the improvements. The Planning Commission shall recommend to Council the release of the bond or other assurance as the buildings, structures, landscaping or other improvements have been completed according to the development plan.

7. 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 feet (1,500') of the perimeter of the Residential Planned Unit Development.
- B. All land shown on the Final Development Plan as common open space must be conveyed under one of the following options:
1. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, landscaping or other improvements which have been placed on it.
  2. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the Residential Planned Unit Development. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the Final 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.
- C. No common open space may be put to any use not specified on the Final Development Plan unless the Final Development Plan has been amended to permit that use under Section 36.10 hereof. However, no change of use authorized under Section 36.10 hereof may be considered as a waiver of any of the covenants limiting the use of common open space areas and all rights to enforce these covenants are expressly reserved.
- D. If the common open space is not conveyed to a public agency, one of the following methods of enforcement shall be provided:
1. The right to develop the common open space for those uses not specified in the Final Development Plan may be conveyed to a public agency.
  2. The restrictions governing the use, improvement and maintenance of the common open space may be stated as conditions to the conveyance of the common open space, the fee title to the common open space to vest in public agency, at its discretion, in the event of a substantial default in the stated conditions.
  3. The covenants governing the use, improvement and maintenance of the common open space may authorize a public agency to enforce their provision.
- E. The Building Inspector shall not issue a building permit for any building or structure shown on the Final Development Plan for any stage of the Residential Planned Unit Development unless the common open space allocated to that section by the development schedule has been conveyed under one of the options provided in paragraph 2 of this section.

Sec. 36.19 Procedure

The provisions of Section 20, Conditional Uses, Requirements and Procedures, paragraphs A, B, C and D shall apply with respect to the procedures to be followed with respect to an application for a Residential Planned Unit Development.

Section 2. That Ordinance 15-61, The Zoning Ordinance, Section 20, Figure 9 is hereby amended by the addition of the following:

CONDITIONAL USE	DISTRICTS IN WHICH USE MAY BE PERMITTED	REQUIREMENT DESIGNATION
Residential Planned Unit Development	R1, R2, R3 & R4	See Section 36

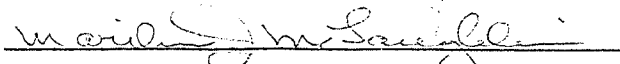
Section 3. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED this 24th day of January, 1976<sup>7</sup>.



Mayor of the City of Centerville, Ohio

ATTEST:



Clerk of the Council of the City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 2-77, passed by the Council of the City of Centerville, Ohio, on the 24th day of January, 1976<sup>7</sup>.



Clerk of the Council