

CHAPTER 1145
Planned Development Overlay District

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1145.01 PURPOSE AND APPLICATION.

(a) Purpose. The Planned Development Overlay District (PDOD) regulations are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the type, character and allocation of land uses, but also by the way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district regulations and procedures do not adequately regulate the design of buildings or enable the range of uses in a single zoning district that are appropriate in the City of Wooster.

- (1) The purposes of the Planned Development Overlay District regulations are to:
- A. Provide an opportunity for a mix of land uses otherwise not permitted within the standard municipal zoning district classifications.
 - B. Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas.
 - C. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
 - D. Assure compatibility between proposed land uses within and around the Planned Development Overlay District through appropriate development controls.
 - E. Pursue the housing and economic development goals of the City.
 - F. Promote economical and efficient use of land and reduce infrastructure costs through unified development.
 - G. Provide for supporting community facilities.
 - H. Establish objective criteria for plan review that ensures conformity to community standards.

- (2) The procedures established for Planned Development Overlay Districts are designed to encourage:
- A. Unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district or subdivision regulation, yet are consistent with all applicable plans, including but not limited to, the Comprehensive Plan, and are compatible with contiguous land uses and the intent of this Planning and Zoning Code.
 - B. Imaginative architectural design.
 - C. Flexibility in building styles and types.
 - D. Proper relationships between buildings, between developments and between structures and the land.
 - E. The development of the land in an orderly, coordinated and comprehensive manner consistent with accepted land planning, landscape architecture practices and engineering principles according to approved development plans.
- (b) Application. The Planned Development Overlay District regulations assist in accomplishing these purposes by establishing review steps that combine the request for a zoning district change with the development plan review process, and when applicable, the subdivision process. Subsequent plan review following the zoning district change also requires simultaneous review of subdivision plats.
- (1) Each Planned Development Overlay District shall be considered a separate and unique zoning district wherein a preliminary development plan, including associated text depicting the specific development standards and development commitments, is adopted simultaneously with the adoption of the Planned Development Overlay District designation. The preliminary development plan shall apply only to the property within that particular Planned Development Overlay District.
 - (2) The preliminary development plan adopted at the time of rezoning to the Planned Development Overlay District shall be prepared in accordance with the provisions of this Chapter and the requirements contained herein and shall take precedence over any conflicting regulations contained in the Wooster Planning and Zoning Code.
- (c) Ownership. The Planned Development Overlay District shall be an integrated, unified development project and the entire project area shall be in single ownership or joint ownership and/or control at the time the application is made for the PDOD designation so that all property owners are applicants. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A preliminary development plan approved in accordance with these or previous regulations for a Planned Development Overlay

District shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance, except as provided for in sub-section 1145.05 (c) (4), Expiration of Zoning Approval. (Ord. 2006-49. Passed 5-21-07.)

1145.02 ESTABLISHMENT OF PLANNED DEVELOPMENT DISTRICT.

A Planned Development Overlay District that is adopted after the effective date of these regulations shall be established according to the following:

- (a) All rezonings to a Planned Development Overlay District shall be designated on the Zoning Map as a PDOD.
- (b) A request for rezoning land to a Planned Development Overlay District designation shall be made according to Chapter 1119, Amendments.
- (c) A preliminary development plan shall be reviewed by the Planning Commission and City Council according to Section 1145.05, Procedures, and a preliminary development plan and supporting documentation shall be adopted at the time of rezoning.
- (d) Detailed final development plans shall be reviewed and acted upon by the Planning Commission according to Section 1145.05, Procedures.
- (e) A preliminary subdivision plat may be reviewed simultaneously with a preliminary development plan. A final subdivision plat shall be reviewed simultaneously with a final development plan, unless a final plat is not required for completion of the project. All subdivision plats shall be reviewed and approved by the Planning Commission according to Chapter 1109, Subdivision Procedures, except as otherwise provided for in this Chapter. (Ord. 2006-49. Passed 5-21-07.)

1145.03 GENERAL DEVELOPMENT CRITERIA.

A Planned Development shall be designed and depicted on the preliminary development plan and final development plan in accordance with the following General Development Criteria:

- (a) Plan Design. The proposed Planned Development (PD) shall be designed in accordance with accepted planning principles, including the planning and development principles included in this Chapter, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; the sizes of yards and other spaces; and the density of population are in compliance with the purposes and objectives of the PDOD regulations as set forth in Section 1145.01 (a), Purpose.
- (b) Permitted and Conditional Uses. A PD may include any combination of uses when such use(s) are found to be compatible with one another and in keeping with the intent of these General Development Criteria, provided the proposed location of the uses will not adversely affect adjacent property and/or the public health, safety and general welfare.

- (1) The list of specific uses to be included in the proposed PD shall be clearly delineated in the preliminary development plan and its supporting documentation.
 - (2) Uses shall be identified as either permitted uses or conditional uses.
 - (3) Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Code.
 - (4) Any listed use may be limited to areas delineated on the preliminary development plan.
- (c) Planning and Development Principles. The proposed PD shall be designed in accordance with the following planning and development regulations:
- (1) Land Use.
 - A. A PDOD may be approved in all districts except the Manufactured Home Park District, provided the PDOD meets the regulations in this Chapter and all other applicable regulations in this Planning and Zoning Code.
 - B. Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;
 - C. Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
 - D. Buildings, structures and parking areas shall be designed and located within the PD in ways that conserve environmentally sensitive or unique natural, historic, or cultural features, and minimize environmental impacts.
 - E. When calculating density for the PDOD, area devoted to nonresidential land uses shall not be included in the density calculations.
 - (2) Arrangement of Buildings, Yards and Setbacks.
 - A. The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PD and adjacent to it.
 - B. The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).

- C. The setback of all buildings from the perimeter of the total tract shall be a minimum of fifty (50) feet. The setback area shall be retained and maintained as landscaped open space free of streets and off-street parking areas.
- (3) Landscaping, Screening and Buffering.
- A. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses.
- B. Privacy for residential buildings shall be maintained through the use of landscaping, screening and buffering.
- C. Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
- D. Alternative design approaches to meet the intent of the landscape regulations may be incorporated.
- (4) Open Space. Adequate open spaces shall be integrated throughout the development to meet the objectives of the Comprehensive Plan. PDs that include residential uses shall provide thirty (30) percent of the gross acreage as open space. Such open space shall be located and designed as follows:
- A. Open space shall be sufficiently aggregated to create large useable areas of planned open space.
- B. Open space shall conserve significant topographic, natural and historical features within the PD to the extent practicable.
- C. Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.
- D. All open space shall be easily accessible to residents of the PD.
- E. Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.
- F. Open space shall not be less than fifty (50) feet in width at any point, unless the Planning Commission deems that a lesser width is appropriate, such as when connecting open space areas on adjacent parcels or creating scenic walking trails.
- G. All principal and accessory buildings shall be setback fifteen (15) feet from any designated open space.
- H. Land area devoted to the following shall not be included as meeting the open space requirement:
1. Public rights-of-way;

2. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the open space;
 3. Required setbacks for buildings and parking areas from the project boundaries;
 4. Private yards within subdivided lots; and,
- I. Open space shall be composed of the 100-year floodplain, wetlands (including woodlands with wetland soils), steep slopes, significant wildlife habitats, ridge lines, hilltops, windbreaks, stands of mature hardwood trees, woodlands, views into and out from the site, historic and archaeological features. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain. The Planning Commission may grant an exception to this requirement based on the existing street network, topography, the proximity and nature of surrounding land uses, and similar factors.
 - J. Open space may be used for outdoor active or passive recreation. Any open space intended for be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access.
 - K. Open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Wooster Law Director and duly recorded in the Office of the Recorder of Deeds of Wayne County. Such recording shall take place before a construction permit, such as a building permit, of any kind is issued by the City of Wooster.
- (5) Protection of Natural Features.
- A. A riparian buffer of twenty (20) feet shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.
 - B. The 100-year floodplain shall be protected. The Flood Insurance Study prepared by the U. S. Department of Housing and Urban Development, Federal Insurance Administration or the latest acceptable study shall be used to determine the 100-year floodplain.

- C. Wetlands that are to be retained in their natural state within the PD shall be protected. A buffer area not less than 20 feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state.
- (6) Pedestrian Circulation Systems. A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PD, and to connect to neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Sidewalks shall meet the standards found in Chapter 1181, Vehicular and Pedestrian Circulation.
- (7) Bike Paths and Other Trail Systems. Trail systems for bikes and other purposes should be included and designed in accordance with the City's plan for trails in the Comprehensive Plan or other adopted policy documents. Such trail systems shall have a minimum width of eight (8) feet and be properly buffered from any adjacent residential areas if the trail is not located along or within the right-of-way of a public street.
- (8) Street Design and Vehicular Circulation.
- A. The proposed vehicular circulation system in the PD shall provide adequate connections to the existing street network.
- B. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.
- C. Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.
- D. The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, the thoroughfare plan and the intensity of proposed uses.
- E. Private streets shall not be permitted unless constructed to meet all standards and regulations in Chapter 1181, Vehicular and Pedestrian Circulation, unless modifications are granted by the Planning Commission pursuant to Section 1191.05, Modifications to Requirements in Title Five.
- F. The applicant shall provide and construct on-site and off-site street improvements for the PD in accordance with the requirements of Chapter 1181, Vehicular and Pedestrian Circulation and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PD, unless modifications are granted by the Planning Commission pursuant to

Section 1191.05, Modifications to Requirements in Title Five.

- G. The design and locations of streets and parking areas shall comply with the requirements for storm water management set forth in Chapter 1183, Utilities, unless modifications are granted by the Planning Commission pursuant to Section 1191.05, Modifications to Requirements in Title Five.
- (9) Off-Street Parking. The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area and as well as those areas adjacent to the development.
- (10) Signs. All signs and graphics within the PD shall be compatible in size, location, height, material, shape, color and illumination. PD
- A. A sign plan for the entire PD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from rights-of-way and the type and intensity of illumination.
- B. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter.
- C. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings.
- D. Ground signs should be designed to relate to and share common design elements with the building(s) they identify.
- E. The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.
- F. Signs shall conform to the applicable regulations in Chapter 1171, Sign Regulations.
- (11) Utilities. The applicant shall provide and construct on-site and off-site water, sewer and other infrastructure improvements for the PD in accordance with the requirements of Chapter 1183, Utility Regulations and consistent with any agreements submitted as supporting documentation for the PD.
- (d) Project Phasing. If the PD is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining

property. Open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

- (e) Common Facilities. Common facilities including open space, bike trails, or other such facilities shall be owned, subject to the restriction in Section 1145.06 (c)(10), by an association; the City, if the city elects to accept such common facilities; a land trust or other conservation organization recognized by the City. The City's Law Director, prior to the City Council approving the preliminary development plan, shall approve the ownership arrangement for such common facilities.
- (f) Stormwater Detention/Retention Facilities. Detention/retention facilities that are visible from a public street shall be integrated into a landscaped area. Such landscaped areas shall contain any combination of the following elements: shade and ornamental trees, evergreens, shrubbery, hedges, and/or other planting materials as well as ornamental fencing. (Ord. 2006-49. Passed 5-21-07.)

1145.04 COMPLIANCE WITH EXISTING DEVELOPMENT STANDARDS.

- (a) Unless otherwise stated and varied in the development standards text, the standards and regulations contained in the Wooster Planning and Zoning Code that pertain to the specific uses, land development, or land subdivision shall be applicable.
- (b) Requirements and guidelines that are necessary to ensure that the proposed PD complies with the intent of these Planned Development Overlay District regulations shall be clearly delineated in the development standards text and submitted as part of the preliminary development plan. Elements of the development standards text shall include:
 - (1) All requirements that are necessary to ensure the PD is consistent with the Comprehensive Plan and compatible with the surrounding development, including, but not limited to:
 - A. The list of permitted and conditional uses;
 - B. The maximum density for each use area;
 - C. Standards for the protection of natural features;
 - D. The major vehicular, pedestrian and bike circulation system;
 - E. Setbacks and buffer standards for the perimeter of the PD district and between sub-areas and differing land uses; and,
 - F. Any unique development standards or other standards that are determined essential for the project.
 - (2) All other provisions that set forth the methods for complying with the General Development Criteria set forth in Section 1145.03. (Ord. 2006-49. Passed 5-21-07.)

1145.05 PROCEDURES.

This Section provides for the adequate review of applications for Planned Developments.

- (a) General Provisions. Review of applications for Planned Development Overlay Districts shall be conducted in compliance with the following general provisions:
- (1) Review for Completeness. Each Planned Development application shall be reviewed for completeness and compliance with the applicable submission requirements, unless specific items are determined by the Zoning Administrator to be inapplicable or unnecessary. If the application is deemed insufficient, the staff shall notify the applicant of the deficiencies. Only complete applications shall be placed on the Planning Commission agenda. When the application is determined complete and all applicable fees have been paid, the Zoning Administrator shall officially accept the application for consideration.
 - (2) Previously Approved Planned Development Overlay Districts. Planned Development Overlay Districts, including development plans and development standards text adopted prior to the effective date of these Planned Development Overlay District regulations, shall continue in effect and be considered legally conforming under this Code. However, the procedures for the implementation of those developments must conform to the regulations indicated in this Code.
 - (3) Subdivision Plat Approval. If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with Chapter 1109, Subdivision Procedures, including any subsequent changes to subdivision plats. Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously. Final development plan approval and final plat approval shall proceed simultaneously, unless a final plat is not required for completion of the project.
- (b) Zoning Amendment Pre-application Meeting with Concept Plan. The applicant shall meet with the Zoning Administrator and the City Engineer or their designees for review of a concept plan prior to submitting an application for a Planned Development Overlay District zoning amendment. The concept plan is intended to outline the basic scope, character and nature of a proposed project. The review is to provide input in the formative stages of design.
- (1) The applicant shall submit a concept plan for review by staff. The concept plan shall include the elements indicated in Section 1145.06, Submission Requirements.
 - (2) The applicant Planned Development Overlay District may request review and feedback from the Planning Commission prior to preparing a preliminary development plan.

- (3) No discussions, opinions, or suggestions provided on any aspect of the concept plan shall bind the applicant, or the City, or be relied upon by the applicant to indicate subsequent approval or disapproval by the City.
- (c) Zoning Amendment Request. An application for a zoning amendment to the Planned Development Overlay District shall be submitted according to Chapter 1119, Amendments. In addition to the submission requirements for zoning amendments, the applicant shall also submit a preliminary development plan and supporting documentation as required below.
- (1) Preliminary Development Plan Review Procedures. The application, including all submission requirements for preliminary development plans set forth in Section 1145.06 (b), shall be reviewed and distributed according to the following procedures. A preliminary subdivision plat may be reviewed simultaneously provided all the required plat information is submitted.
 - A. Zoning Administrator Review. After determining that an application is complete according to sub-section 1145.05 (a)(1), the Zoning Administrator shall forward the application to the appropriate City departments and, if determined necessary, professional consultants for review and comment.
 1. The application shall be reviewed for compliance with the Comprehensive Plan, other adopted plans or studies and the requirements of this Code and other applicable City Codes.
 2. During the course of its review, the staff may meet with the applicant to review the application, and the applicant may revise the preliminary development plan application in response to staff's comments.
 3. Within 90 days of the application being deemed complete or an extended time agreed to by the applicant, the application shall be placed on the agenda for a regularly scheduled meeting of the Planning Commission. The application and supporting documentation, administrative staff comments, any other reports prepared above and any accompanying documents (such as but not limited to letters from residents or maps) shall be transmitted to the Planning Commission prior to the meeting.
 - B. Review and Action by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1145.07 (a), Preliminary Development Plan. The Planning Commission shall take into consideration any

submitted staff reports, comments, and expert opinions when reviewing the application.

1. Request For Additional Information/Revisions. In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.
 2. Timeframe for Review of Tabled Case. Within 60 days, the applicant will, upon written request to the Zoning Administrator be entitled to a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning Commission but not less than 30 days following receipt of the written request.
 3. Action By Planning Commission. The Planning Commission shall recommend to City Council one of the following:
 - a. That the preliminary development plan and its supporting documentation be approved as submitted; or
 - b. That the preliminary development plan and its supporting documentation be approved with specific modifications set forth by the Planning Commission to further protect and improve the proposed and surrounding developments; or
 - c. That the preliminary development plan be disapproved.
 4. Transmission to Council. The Planning Commission shall transmit the zoning amendment application and the preliminary development plan along with all appropriate documentation, including its recommendation to the City Council, within thirty (30) days of taking action, unless otherwise requested by the applicant.
- C. Review and Action By City Council. City Council shall review and act on the proposed ordinance(s), including conducting a public hearing, in accordance with City Council procedures and public notice provisions set forth in Chapter 1119, Amendments.
1. In reviewing the ordinance(s), the City Council shall consider the approval criteria set forth in

Section 1145.07 (a), Preliminary Development Plan.

2. Disapproval by City Council shall terminate the process. Another zoning amendment application pertaining to the land included in the disapproved application shall not be accepted within one year from the date of disapproval, unless there has been substantial change to the application to warrant reconsideration.
- (2) Approval of the Planned Development Overlay District/ Preliminary Development Plan.
- A. Adoption of the ordinance shall constitute a rezoning of the property included in the preliminary development plan to a Planned Development Overlay District, and the preliminary development plan and associated commitments become binding on the applicant.
 - B. The Official Zoning Map shall be amended to reflect the zoning change.
 - C. In the event City Council approves the preliminary development plan with modifications, the applicant shall incorporate such modifications into the appropriate documents and file the revised preliminary development plan with the Zoning Administrator. No final development plan application will be processed until the revised preliminary development plan is submitted and approved by the Zoning Administrator.
- (3) Significance of Approved Plan. Approval or approval with recommended modifications of the preliminary development plan by the City Council shall:
- A. Establish the development framework for the project, including, but limited to, the general location of open space, use areas, densities, unit types, recreational facilities, and street alignments;
 - B. Permit the applicant to proceed with detailed planning of the final development plan; and
 - C. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.
- (4) Expiration of Zoning Approval. Given the nature of the Planned Development Overlay District process and the unique standards simultaneously adopted, the Planned Development Overlay District designation shall remain valid for one (1) year from the date of City Council approval. During that time, the applicant shall prepare and submit a final development plan for review in compliance with Section 1145.05 (d) below. In the event progress on the PD is discontinued, the City may begin procedures to rezone

the property to the zoning district in place prior to the Planned Development Overlay District or to another district as may be determined appropriate.

- A. For the purpose of this Section, progress shall be considered discontinued when:
 - 1. The final development plan for the PD, or for the first phase of the PD, is not submitted within one (1) year after approval by City Council of the preliminary development plan; or
 - 2. The final development plan for the PD, or for the latest phase of the PD, is approved, but construction authorized by such final development plan is not begun within one (1) year after approval of the final development plan; or
 - 3. A final development plan for the PD is approved, and construction work is discontinued for a period of one (1) year or for a longer period as may be agreed to as part of the PD zoning amendment.
- B. At any time, the Planning Commission may grant an extension to the above stated timeframes for good cause shown.

(d) Final Development Plans. An application for final development plan review shall include the submission requirements set forth in Chapter 1115 and shall be submitted for review according to the following. An application for final development plan review shall be required for each phase of development. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat is not required for completion of the project.

(1) Area Included in Final Development Plan. The area included in an application for final development plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.

(2) Review Procedures. The application, including any conditional use application, shall be reviewed according to the following procedures:

- A. Staff Review. After determining that an application is complete according to Section 1145.05 (a)(1), the Zoning Administrator shall forward the application to the appropriate City departments and, if determined necessary, professional consultants for review and comment.
 - 1. The application shall be reviewed for compliance with the approved preliminary development plan, the requirements of this Code and other applicable City Codes.
 - 2. During the course of its review, the Zoning Administrator or other staff may meet with the

- applicant to review the application, and the applicant may revise the final development plan application in response to staff's comments.
3. The application and supporting documents, staff comments, any other reports and accompanying documents (such as but not limited to letters from residents or maps) shall be transmitted to the Planning Commission.
- B. Review by Planning Commission. The Planning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1145.07 (b), Final Development Plan. The Planning Commission shall take into consideration any submitted staff reports when reviewing the application.
1. Request For Additional Information/Revisions. In its review of an application, the Planning Commission may request additional information it deems necessary to adequately review and evaluate the proposed development, and/or may request the applicant to revise elements of the application. When this occurs, the Planning Commission may table the application.
 2. Timeframe for Review of Tabled Case. Within 60 days, the applicant will, upon written request to the Zoning Administrator be entitled to a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning Commission but not less than 30 days following receipt of the written request.
 3. Conditional Use Review. If the application includes conditional uses, the Planning Commission shall review the application according to the procedures set forth in Sections 1107.22 – 1107.30, Conditional Uses, including the requirement for a public hearing. During its review of a conditional use, the Planning Commission may prescribe appropriate modifications, stipulations, safeguards and limitations on the conditional use as it may deem necessary and in conformance with the intent and purposes of Sections 1107.22 – 1107.30, Conditional Uses.
 4. Compliance with the Preliminary Development Plan. In reviewing the application, the Planning Commission shall determine if the final development plan substantially complies with all specific requirements, the purposes, intent and basic

objectives of the preliminary development plan, and any commitments made or conditions agreed to with the adoption of the preliminary development plan. If the final development plan contains changes from the approved preliminary development plan:

- a. The Planning Commission may determine that the proposed plan substantially complies with the preliminary development plan and may proceed to review the Final Development Plan in accordance with the procedures in this Chapter; or,
- b. The Planning Commission may, in reviewing the final development plan, approve a modification of a provision of the development standards text or the preliminary development plan if it Planning Commission determines that all of the following provisions are satisfied:
 - i. The Planning Commission determines that, for this PD, Code compliance is not needed to ensure that the PD is consistent with the Comprehensive Plan and is compatible with existing, approved, or planned adjacent development;
 - ii. The Planning Commission determines that the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the Comprehensive Plan;
 - iii. The proposed modification results in a development of equivalent or higher quality;
 - iv. The principles of Section 1145.03, General Development Criteria are achieved; and
 - v. The development, as proposed on the final development plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
- c. If any proposed modification to the Preliminary Development Plan fails to meet

the above criteria, a zoning amendment to amend the preliminary development plan shall be required and shall be sought pursuant to Chapter 1119, Amendments.

5. Compliance with Current City-Wide Standards. In the event development standards or construction standards that apply citywide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning Commission determines that such updated standard(s) will not cause undue hardship.

C. Action By Planning Commission. The Planning Commission shall take one of the following actions:

1. Approve the final development plan as submitted; or
2. Approve the final development plan with modification(s); or
3. Disapprove the final development plan when the application does not demonstrate that the required standards have been met. Disapproval of the final development plan shall terminate the process. The applicant may revise the final development to respond to the Planning Commission's concerns and resubmit the plan. Such action shall be considered a new application for review and shall contain all the information required for final development plans, including payment of the application fee.

(e) Zoning and Building Permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the zoning certificate and building permit process, consistent with approval as granted, including any conditions and modifications made by the Planning Commission.

- (1) After approval of the final development plan, the applicant shall obtain a zoning certificate and a building permit prior to construction.
- (2) All construction and development under any building permit shall be in accordance with the approved final development plan, except as may be permitted in Section 1145.05 (f), Modifications to Approved Final Development Plans. Any unauthorized departure from such plan shall be cause for revocation of the certificate of zoning compliance. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The city shall require a copy of the recorded document prior to issuing any construction permit.

- (f) Modifications to Approved Final Development Plans. Requested modifications to approved final development plans shall be reviewed according to the following:
- (1) Administrative Approval. The Zoning Administrator, in administering the approved final development plan, may authorize minor design modifications that are required to correct any undetected errors or that are consistent with the purpose of the approved final development plan.
 - A. Such modifications shall not allow increases in intensity of development or additions to the list of permitted or conditional uses.
 - B. Such modifications shall be limited to:
 1. Minor adjustments in lot lines provided no additional lots are created;
 2. Minor adjustments in location of building footprints and parking lots provided the perimeter setbacks, yards and buffers remain in compliance;
 3. Minor adjustments in building height(s);
 4. Substitution of landscaping materials;
 5. Redesigning and/or relocating stormwater management facilities;
 6. Redesigning and/or relocating mounds;
 7. Minor modifications to the design of signs, including the sign face, and sign lighting, provided the color palette, maximum sign area and maximum sign height, approved in the final development plan, are not exceeded;
 8. Minor changes in building material that are similar to and have the same general appearance as the material approved on the final development plan.
 - C. The Zoning Administrator shall report any approved modification to the Planning Commission.
 - (2) Board of Building and Zoning Appeals Approval. Any request for a variation to the development standards text that pertains to an individual single-family dwelling on an individual subdivided lot shall be reviewed as a variance according to the regulations set forth in Chapter 1111, Appeals and Variances.
 - (3) Planning Commission Approval.
 - A. Modifications other than those listed in (1) and (2) above shall be submitted to the Planning Commission. If it determines the modifications are compatible with the surrounding development and that they are not requirements that are necessary to ensure consistency with the Preliminary Development Plan, the Planning Commission may approve such change.

- B. Any such changes shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review set forth in Section 1145.05 (d), Final Development Plans. If approved, such amendments to the final development plan shall supercede the originally approved final development plan. (Ord. 2006-49. Passed 5-21-07; Ord. 2009-27. Passed 10-19-09.)

1145.06 SUBMISSION REQUIREMENTS.

- (a) Contents Of Concept Plan Application. It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed Planned Development project. Information submitted should be comprehensive enough to enable the staff to understand the existing site and concept for the proposed development. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted should include the following:
- (1) Completed Application Form along with the application fee.
 - (2) Vicinity Map indicating the location of the site in the city and the general location of principal thoroughfares.
 - (3) Regional Context Map. A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.
 - (4) Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - A. Existing public improvements, permanent facilities, easements and property boundaries;
 - B. Location of existing structures on the site and abutting properties;
 - C. Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - D. General topography;
 - E. Existing zoning district boundaries and jurisdictional boundaries;
 - F. Surface drainage and areas subject to flooding;
 - G. Existing public and private utility systems;
 - H. Regional transportation system.
 - (5) The Concept Plan Map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way, and 100 feet

of property immediately adjacent to the property boundary, indicating:

- A. Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use, density and type of buildings or dwelling units;
- B. The location of any lands to be dedicated to any public agency;
- C. The general circulation pattern;
- D. The relationship of the proposed project to the surrounding area.

(b) Contents Of Preliminary Development Plan Application. The application shall include the maps, plans, and supplementary documentation itemized below. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted should include the following:

- (1) Completed Application Form along with the application fee. The application shall be signed and notarized.
- (2) Vicinity Map showing the relationship of the proposed PD to existing development and including existing property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site, zoning district boundaries, and existing land uses and structures.
- (3) Regional Context Map. A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.
- (4) Legal description.
- (5) Map of Existing Conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including:
 - A. Boundaries of the area proposed for development, dimensions and total acreage;
 - B. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - C. Identification of any existing buildings or structures to be removed or demolished;
 - D. Existing zoning district boundaries and jurisdictional boundaries;
 - E. Existing utility systems and providers;
 - F. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5 %;

- G. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health, and quality;
 - H. Delineation of existing drainage patterns on the property;
 - I. Location of wetlands (and potential wetlands) the 100-year floodplain, floodway boundary, 20-foot buffer area beyond the floodway, and flood elevation as delineated by the Federal Emergency Management Agency maps including rivers and streams and their related river or stream bank, ponds, and water courses.
- (6) The Preliminary Development Plan Map shall include a plan for the entire area of the proposed project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall submit the number of copies as determined by the Zoning Administrator. The information submitted shall indicate:
- A. The proposed location, use and size of areas of residential, retail, office, industrial or institutional uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas, and access points;
 - B. The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements;
 - C. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - D. Natural areas and other natural features to be conserved and any required buffer areas;
 - E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - F. A summary table showing total acres of the proposed development; the number of acres devoted to each type of use, including streets and common areas; the number of dwelling units by type and density for each residential use area; the building height(s); and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area;
 - G. Space for signatures of the applicant and the Zoning Administrator, and the dates of Planning Commission and Council approvals.

- (7) Preliminary Plat, if appropriate, designed in compliance with the requirements and regulations set forth in this Planning and Zoning Code.
- (8) Architectural Drawings demonstrating the prototypical designs of the proposed buildings, to demonstrate the exterior design, character and general elements in sufficient detail to indicate the proposed visual character of the development. This requirement includes prototypical designs for single-family homes, if the PD mandates a specific style or type of single family home.
- (9) Project Phasing Map. A phasing plan and schedule identifying the separate phases of the project, including utilities and any off-site improvements. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, easements and natural areas.
- (10) Proposed Utilities including the proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness, including verification of availability.
- (11) Traffic Study indicating the impact of future traffic on the existing and proposed roadway system, as required by Section 1181.07, Access Management, or the City Engineer. For submission requirements for the traffic study, see Chapter 1115.
- (12) Explanation of Relationship of Proposed Development to existing and future land use in the surrounding area, the street system, community facilities and open space system, services and other public improvements. If the proposal is not fully consistent with Comprehensive Plan, the applicant shall submit a letter justifying the proposed deviation from the Comprehensive Plan.
- (13) Development Standards Text. The development standards text identifying the requirements that are to govern the design and layout of the PD.
 - A. The development standards text shall include signature and date lines for the applicant certifying the text.
 - B. Dimensions and/or acreages illustrated on the development plan shall be described in the development standards text.
 - C. Any dimensions or other provision that depart from any applicable standards set forth in the Wooster Planning and Zoning Code, especially addressing signs, landscaping, buffering, required setbacks, and parking, shall be clearly described.
 - D. Adequate provision shall be made to establish a private organization (i.e. Homeowners Association) with direct responsibility to provide for the operation and maintenance of all common facilities that are part of the Planned Development, and, in such instance legal assurances shall

be provided to show that the private organization is self-perpetuating.

- (c) Contents of Final Development Plan Application. The application shall include the maps, plans, designs and supplementary documents itemized below. Copies of the maps, plans, designs and supplementary documents shall be submitted. Final development plans are intended to be detailed refinements for development and, as such shall be accurate, detailed representations of all the plan elements on the approved preliminary development plan. The applicant shall submit the number of copies determined by the Zoning Administrator. The information submitted shall include the following:
- (1) Completed Application Form, which has been signed and notarized, along with the application fee.
 - (2) Vicinity Map showing the relationship of the area of the final development plan to the entire Planned Development Overlay District and including existing structures, property lines, easements, utilities, and street rights-of-way of the subject property and property within 500 feet of the site;
 - (3) Regional Context Map. A map indicating the proposed site and all parcels within 2000 feet in all directions showing the basics of the proposed site layout, all property lines, general location of structures on all parcels, and existing land use on all parcels.
 - (4) Final Subdivision Plat. A Final Plat shall be submitted in accordance with the regulations in the Planning and Zoning Code, if the proposed development includes the subdivision of land;
 - (5) Legal Description of the property with accurate distances and bearings from an established monument on the project to the three nearest established street lines or official monuments; and stamped or sealed evidence from a surveyor registered in the State of Ohio that the monuments actually exist and that all dimensional and geodetic details are correct;
 - (6) Final Development Plan Map, prepared and sealed by a qualified professional such as a licensed architect, surveyor, engineer or landscape architect, and drawn to an appropriate scale indicating the following items:
 - A. A bar scale, north arrow, and total acreage of the area that is the subject of the final development plan, and accurate location of all monuments;
 - B. Radii, arcs, points of tangency, central angles for all curvilinear street, radii for all rounded corners, and length of all straight center line between curves on all public and private street;
 - C. The right-of-way lines of adjoining streets and alleys with their width and names, and indicating the edge of pavement and centerline;
 - D. All lot lines and easements with their dimensions;

- E. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school sites and other public or private facilities; the proposed pedestrian and bike path systems; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
 - F. Location and height of existing and proposed structures including fences, walls, signs, and lighting;
 - G. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - H. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - I. Delineation and identification of areas to be dedicated or reserved for public use, provided those areas are acceptable to the city, with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, listing who will maintain the acreage of such areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation;
 - J. Space for signatures of the owner, and applicant if different that the owner, and the Zoning Administrator, and the date of Commission approval;
 - K. Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type, building square footage, number of parking spaces, pavement coverage, impervious surface area and acreage devoted to open space, private streets, and other public facilities; and proposed density by use area and overall.
- (7) Proposed Utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, etc., and indication of all utility line extensions;
- (8) Additional Plans for Proposed Development.
- A. Topographic maps showing existing and proposed grading contours, water courses, wetlands and flood plains and other flood hazard boundaries and information;
 - B. Landscaping and screening plans;
 - C. A lighting plan, including, but not limited to, light pole heights and locations, building accent lighting, pedestrian

- lighting, average foot-candle calculations minimum foot-candles and maximum foot-candles.
- D. A dimensioned sign plan indicating the character, material, dimensions, location, shape, color(s) and type of illumination of signs;
 - E. Architectural plans for the proposed development, showing all exterior elevations and building floor plans, colors, materials, and other details to indicate the type of architectural style proposed for the development. This requirement includes prototypical designs for single-family homes, if the PD mandates a specific style or type of single family home.
 - F. Construction plans for all public improvements, site grading, and required development practices specified by City Code.
- (9) Ownership. The ownership interests of the subject property, including liens and easements, and the nature of the developer's interest if not the owner. (Ord. 2006-49. Passed 5-21-07.)
- (10) Covenants, Easements and Restrictions.
- A. The substance of covenants, grants of easements, or other restrictions that will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities.
 - B. For projects that include any area for common use of or to be maintained by multiple property owners, the Association's bylaws or Code of regulations, shall include provisions that comply with the requirements in Section 1125.12, Requirements for Owners Associations. (Ord. 2013-44(a). Passed 12-16-13)
- (11) Modifications. A statement identifying any aspect of the Final Development Plan in which the applicant is requesting a modification from the preliminary development plan, pursuant to Section 1145.05 (d) (2) B. 4., Compliance with Preliminary Development Plan.
- (12) Updated Existing Conditions. An updated/revised map of Existing Conditions indicating all changes since the map was submitted with the preliminary development plan.
- (13) Table of Contents. Table of contents or other index indicating where each of the plan submission requirements is located within the application package (page number of narrative or drawing). (Ord. 2006-49. Passed 5-21-07.)

1145.07 PLAN APPROVAL CRITERIA.

- (a) Preliminary Development Plan. In the review of proposed Planned Developments, the Planning Commission and City Council shall determine whether or not the preliminary development plan complies with

the following criteria. In the event the Planning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Planning Commission shall disapprove the application:

- (1) The proposed development is consistent with the purpose, intent and applicable standards of the Wooster Planning and Zoning Code;
- (2) The proposed development is in conformity with Comprehensive Plan, and other adopted plans or portions thereof as they may apply;
- (3) The proposed development advances the general welfare of the City and immediate vicinity and will not impede the normal and orderly development and improvement of the surrounding areas;
- (4) The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded;
- (5) Proposed residential development will have sufficient open space areas that meet the objectives of the Comprehensive Plan;
- (6) The proposed development respects the unique characteristic of the natural features and protects the natural resources of the site;
- (7) Adequate utilities, access roads, drainage, retention and/or necessary facilities have been or are being provided;
- (8) Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the surrounding public streets and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians;
- (9) The relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the PDOD and the larger community and maintains the image of Wooster as a quality community;
- (10) The density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans and contribute to the orderly development of land within the city;
- (11) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, water courses and drainage areas;
- (12) The design, site arrangement, and anticipated benefits of the proposed development justify any deviation from the standard development regulations included in the Wooster Planning and

- Zoning Code and that any such deviations are consistent with the intent of the Planned Development Overlay District regulations;
- (13) The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phased to ultimately yield the intended overall development;
 - (14) The proposed development can be adequately serviced by existing or planned public improvements and not impair the existing public service system for the area;
- (b) Final Development Plan. In the review of proposed Planned Developments, the Planning Commission shall determine whether or not the proposed development, as depicted on the final development plan, complies with the following:
- (1) The plan conforms in all pertinent respects to the approved preliminary development plan provided however, that the Planning Commission may authorize plans as specified in sub-section 1145.05 (d)(2) B. 4.;
 - (2) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property;
 - (3) The development has adequate public services and open spaces;
 - (4) The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Code and the Comprehensive Plan;
 - (5) The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity;
 - (6) The proposed signs, as indicated on the submitted sign plan, will be coordinated within the PD and with adjacent development; are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and are located so as to maintain safe and orderly pedestrian and vehicular circulation;
 - (7) The landscape plan will adequately enhance the principal building and site; maintain existing trees to the extent possible; buffer adjacent incompatible uses; break up large expanses of pavement with natural material; and provide appropriate plant materials for the buildings, site, and climate;
 - (8) Adequate provision is made for storm drainage within and through the site which complies with the applicable regulations in this Code and any other design and construction criteria established by the City or any other governmental entity which may have jurisdiction over such matters; and,
 - (9) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage. (Ord. 2006-49. Passed 5-21-07.)