

ORDINANCE NO.: 2013-03 (AMENDED FEBRUARY 26, 2013)
SPONSOR: MAYOR NORTON
INTRODUCED: JANUARY 22, 2013 **ASSIGNED TO:** PLANNING

AN ORDINANCE AMENDING CHAPTER 1228 OF GREEN'S CODIFIED ORDINANCES REGARDING PLANNED DEVELOPMENT REGULATIONS. ~~AND DECLARING AN EMERGENCY.~~

WHEREAS, the City's administration, in collaborating with OHM Advisors, a firm currently under contract with the City to perform Planning Consultation Services, has determined that an amendment to Chapter 1228 of the Land Development Code is needed to improve the development potential of the City; and

WHEREAS, the Planning & Zoning Commission at its meeting on January 16, 2013, reviewed the proposed amendment to Chapter 1228 of the Land Development Code and issued a favorable recommendation to Green City Council by a vote of 5-0; and

WHEREAS, it is necessary for City Council to conduct a public hearing on this proposed amendment to the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREEN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

Green City Council amends Chapter 1228 of the Land Development Code to read as follows:

CHAPTER 1228: PLANNED DEVELOPMENT REGULATIONS

1228.01 Planned Developments Require a District Change

In addition to the provisions of this chapter regarding the development of a PD District, an application request for any type of PD District included in this chapter is also subject to the procedures set forth in Section ~~1227.04~~ **1224.04: Text or Map Amendment**. The original establishment and application of a PD District shall be regarded as and subject to the same requirements as a district change.

1228.02 Permitted Uses

- (1)** All uses in any type of PD District are subject to the approval of a general plan and a final development plan by the PZC and City Council and also a final site plan by the DRB and PZC pursuant to Subsection 1224.04 (6): Proposed Planned Development District Requirements and Section 1224.07: Site Plan Review.
- (2)** Table 1226-2 illustrates the permitted uses within a PD District subject to the provisions of this chapter.

Ordinance 2013-03 (AMENDED FEBRUARY 26, 2013)

- (3)** The PZC and City Council may further limit the specific types of uses permitted within the PD District or place conditions on uses during the map amendment process.
- (4)** ~~No more than 30% of the residential dwelling units in a project may be apartment units. Attached dwellings that only share common walls and have separate exterior entrances for each unit shall not count toward this calculation.~~
- (5) (4)** Permitted residential accessory uses shall include those accessory uses that are permitted in the R-1 District and comply with all applicable sections of this Code.
- (6) (5)** Permitted nonresidential accessory uses shall include those accessory uses that are permitted in the B-1 District and comply with all applicable sections of this Code.
- (7) (6)** Uses not specifically listed as permitted by these districts may be permitted if the PZC determines the uses to be of the same general character as the above permitted uses.

1228.03 General Project Development Standards

The following provisions shall apply to any type of PD District unless expressly stated.

- (1) Gross Project Area**
The gross area of a tract of land proposed to be developed in a PD District shall be **as noted in Table 1228-1 and in Section 1228.05(1).** ~~minimum of 10 acres.~~ All land within the development shall be contiguous and shall not be divided into segments by any limited access highway, railroad right of way or tract of land (other than streets or rights of way for pipelines or electric transmission lines) not owned by the developer of the planned development.
- (2) Mixed-Use PD Definition**
As referred to within this chapter, mixed-use PDs are those planned developments which include a central area of nonresidential uses and/or mixed-use buildings that comprises at least ~~35%~~ **50%** of the total project area. ~~The mixed-use PD shall also include any residential uses intended to be served by the nonresidential core.~~

(3) Minimum Open Space Requirements

- (A) ~~The A~~ minimum of 15% of the gross project area of a nonresidential for any planned development to shall be dedicated as open space pursuant to this chapter is noted in Section 1228.05(1). **The minimum gross project areas of a residential or mixed-use planned development are noted in Table 1228-1.**
- (B) ~~Density bonuses may be provided for residential or mixed-use planned developments in accordance with Section 1228.04: Residential Development Standards below.~~
- (C) (B) The following areas shall not be counted toward compliance with open space requirements:
- 1.) Private yards not subject to an open space or conservation easement;
 - 2.) Public or private streets or rights-of-way, including sidewalks;
 - 3.) Open parking areas and driveways for dwellings;
 - 4.) Land covered by structures not designated for active recreational uses; and
 - 5.) Designated outdoor storage areas.

(D) Improved Areas

- 1.) ~~In residential PD Districts, a minimum of 25% of the required open space (i.e., 25% of the total 15% of the gross project area required for open space) shall be reserved for active recreational uses, which may include, but are not limited to, pools, playgrounds, tennis courts, jogging trails, and clubhouses used primarily for recreational purposes.~~
A minimum of 25% of the required open space shall be reserved for active recreational uses which may include, but are not limited to, pools, playgrounds, tennis courts, jogging/walking trails, community centers, improved ponds, public plazas (that may serve as gathering places for residents) or other improved area that may be used by the public as approved by the PZC.
- 2.) ~~In business PD Districts, a minimum of 15% of the required open space (i.e., 15% of the total 15% of the gross project area required for open space) shall be reserved for active recreational uses, which may include, but are not limited to playgrounds,~~

jogging trails, and other facilities used primarily for recreational purposes.

- 3.) ~~In mixed-use PD Districts, all open spaces shall be linked by sidewalks to residential, business, and mixed-use areas within the mixed-use district. Additionally, a minimum of 15% of the required open space (i.e., 15% of the total 15% of the gross project area required for open space) shall be reserved for improved activity areas that include, but are not limited to:~~
- a.) ~~Playgrounds and improved parks;~~
 - b.) ~~Community centers;~~
 - c.) ~~Improved ponds;~~
 - d.) ~~Public plazas that may serve as gathering places for residents;~~
or
 - e.) ~~Other improved areas that may be used by the public as approved by the PZC.~~

- 2.) 4.) Improved open space shall be evenly distributed throughout the planned development, unless otherwise approved by the PZC and City Council.

- 5.) ~~If the planned development includes areas with single-family detached homes, that area of the development shall be considered a residential PD and shall be required to meet the applicable standards for improved open space.~~

(E) Required common open space may include bike or hike paths, parkland, open areas, bridle paths, open drainage ways, swimming pools, clubhouses, tennis courts, golf courses, parking areas for any of the above, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street rights-of-way. Land area occupied by stormwater management devices, including retention ponds, may be counted towards the open space requirement when such features are treated as a site amenity as approved by the PZC; **detention ponds shall not be counted towards open space.**

(F) Wetlands qualify as common open space if recommended for preservation **and placed in an easement.**

(G) Public utility and similar easements and rights-of-way are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the PZC.

(H) Disposition of Common Open Space

- 1.) Control of common open space shall be accomplished through the use of a conservation easement for the preservation of

undisturbed natural land areas, and may be owned by the homeowners' or condominium association.

- 2.) Open space may be dedicated to the city for park and recreational purposes only if the city agrees to accept such dedication by vote of City Council.
- 3.) The required amount of common space land may also be dedicated to the City of Green who will enter into a perpetual easement with a homeowners' or condominium association.
- 4.) The homeowners' or condominium association shall make adequate provisions for perpetual care and maintenance of all common areas in the legal articles creating such organization.. The legal articles relating to the organization of the homeowners' or condominium association shall be subject to review and approval by the PZC.
- 5.) Where a homeowners' or condominium association becomes defunct, the City may assess the property owners for the cost of maintenance.
- 6.) The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

(4) Private Improvements

- (A) All improvements shall meet or exceed the standards for public improvements. Bonds shall be posted per Subsection 1224.06 (9): Bonding Requirements.
- (B) Central sanitary sewer and water facilities shall be required for all development within a PD District.
- (C) Other utilities, including but not limited to telephone, cable television and electrical systems, shall be provided for in all developments and shall be underground to the maximum extent feasible.
- (D) Stormwater retention/detention facilities should be grouped together wherever possible to provide a water feature that can become a site amenity.
- (E) Site grading and retention/detention facilities shall be designed to drain the site adequately without creating a negative impact to the drainage characteristics of the neighboring properties.

- (F) Storm drain grate inlets shall be permanently marked with “no dumping” to indicate that dumping is prohibited due to drainage into natural waterways.

(5) General Site Development

- (A) Chain link fences are permitted only when they are painted black and not visible from any public right-of-way or parking areas with more than five parking spaces. Slats may be used in chain link fencing if approved by the PZC.
- (B) All dumpsters, mechanical equipment, service entrances, loading areas, and outdoor storage shall be located behind buildings and be screened in accordance with this chapter. Equipment located on a rooftop is permitted if screened in accordance with the provisions of this Code.
- (C) The construction materials and colors of walls and fences that are visible from any public right-of-way or visible from parking areas with more than five parking spaces shall be uniform and compatible with the architectural style, color, and building materials of the principal building and its surroundings and as approved by the DRB and the PZC.

(6) Vehicular and Pedestrian Circulation

- (A) Cul-de-sacs shall be discouraged unless there is unique topography or other hardships. The use of cul-de-sacs shall require approval by the PZC and in no case shall more than 20% of the lots have frontage on a cul-de-sac.
- (B) Sidewalks shall be provided on each side of every street and shall be creatively developed to interconnect different land use areas and open spaces.
- (C) Pedestrian connections shall be provided between sidewalks and buildings.
- (D) Sidewalks in residential areas shall be a minimum of five feet in width.
- (E) Sidewalks in nonresidential or mixed-use areas shall be of a minimum to allow for six feet of clearance around any outdoor dining areas or streetscaping elements such as benches, trees, etc.

(7) Building Design

- (A) All elevations of a building shall be subject to review. A front façade shall be architecturally emphasized although all sides of a building shall be architecturally consistent with the front façade.

Ordinance 2013-03 (AMENDED FEBRUARY 26, 2013)

- (B) Buildings shall be architecturally oriented to the street or a public right-of-way and the main entrance shall be located on the street façade or facing the public right-of-way. In cases where there is an anti-access easement or access is not permitted from a particular road or public right-of-way, the building shall not be required to face the subject road or right-of-way.
- (C) Building materials shall be restricted to brick, stone, or other decorative masonry units, exclusive of glass or windows. Stucco, Exterior Insulation and Finish Systems (EIFS), wood or vinyl for siding, or ~~aluminum/vinyl~~ **advanced decorative material type (i.e. hard i-board siding)** may be permitted but shall not comprise more than 30% of any single facade.
- (D) The following provisions shall apply to all nonresidential, and mixed-use buildings and multi-family dwellings:
 - 1.) No more than 60% of a façade facing a public right-of-way may be constructed of glass or other transparent material. Exceptions shall be made for vertical mixed-use buildings with commercial or office space on the ground floor, in which case the ground floor of the building shall be designed to be at least 60% transparent, through the use of glass, to allow pedestrians to view the goods and services offered in ground floor businesses.
 - 2.) Windows and doors shall be vertical in orientation.
- (E) Flat rooflines are permitted with the use of cornices, parapets, or some form of architectural emphasis along the roofline.
- (F) **Colors**
 - 1.) The use of neon lights or bright colors, as determined by the PZC, for building materials shall be restricted to a maximum of ten percent of each building façade. The total area of neon or bright colors cannot be aggregated onto one façade.
 - 2.) All vents, gutters, downspouts, flashing, electrical conduits, etc., shall match the color of the adjacent surface, unless approved by the DRB and PZC to be used expressly as a trim or accent element.
 - 3.) The chosen color scheme should help tie all of the parts of the building together. Typically, the color that is used in a storefront area should be repeated in the upper story windows or cornice area.

1228.04 Residential Development Standards

(1) Maximum Permitted Residential Density and Open Space Requirements

- (A) The maximum development densities and open space requirements of residential development in a residential or mixed use PD shall be based upon the percentage of open space to be provided type of development proposed within the development as illustrated in Table 1228-1.

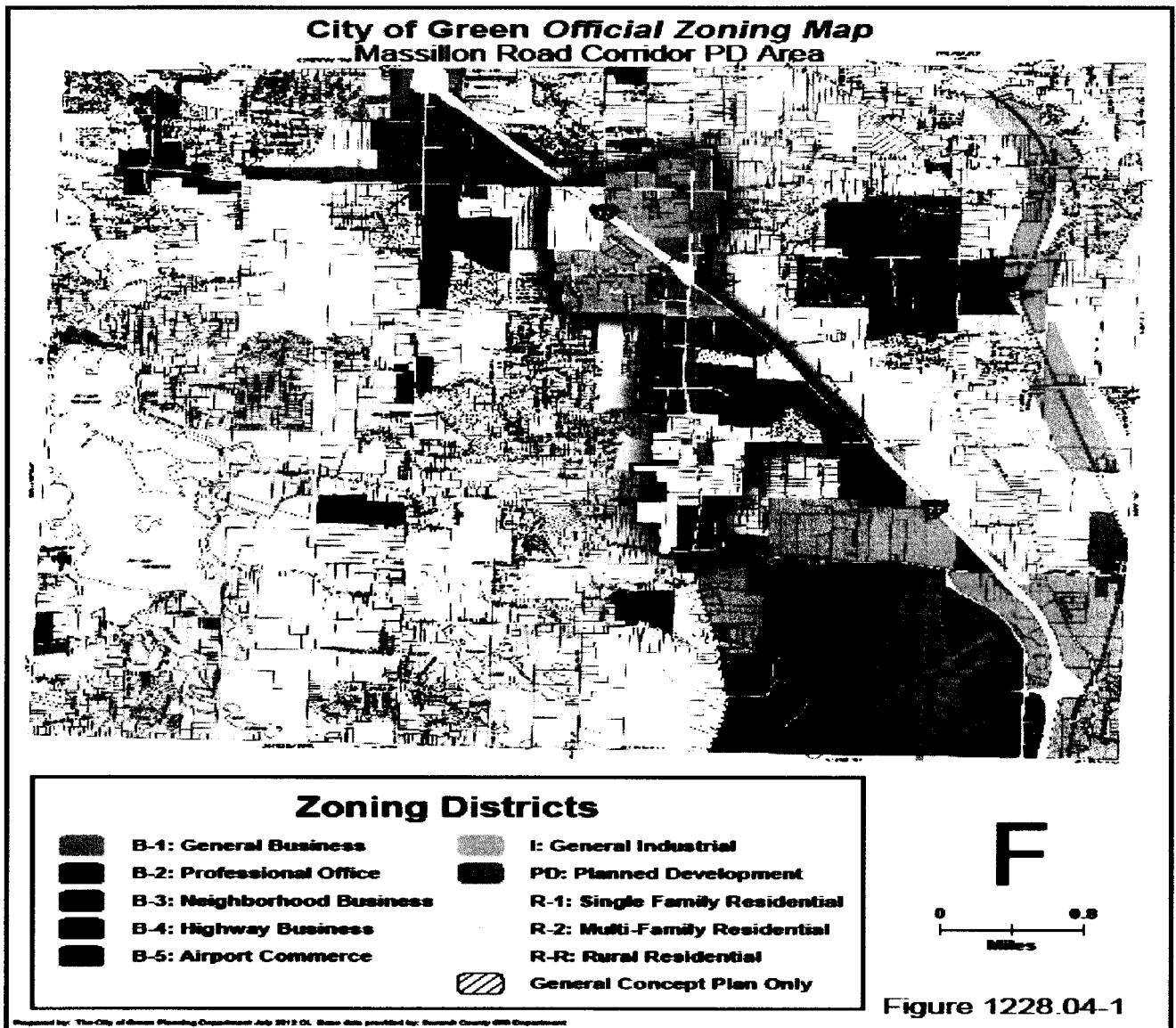
Table 1228-1: Maximum Density of Residential Development		
% of Gross Project Area Dedicated to Common Open Space	Maximum Gross Density	Maximum Units on a Single Acre
15% Open Space	2 units per acre	6 units per acre
20% Open Space	3 units per acre	8 units per acre
25% Open Space	4 units per acre	10 units per acre
30% Open Space	5 units per acre	12 units per acre
35% Open Space	6 units per acre	15 units per acre

Table 1228-1: Residential Density and Open Space			
Type	Minimum Gross Acreage	Maximum Density	% of Open Space
Fee Simple Lots - Attached/Detached	5	8 units per acre	15 %
Common Ownership – Attached/Detached	5	6 units per acre	15 %
Mutli-Family/Apt. – Common Ownership i.e. single parcel	5	12 units per acre	18 %
Multi-Family/Apt – Common Ownership i.e. single parcel (Massillon Road Corridor*)	3	15 units per acre	18 %
Mixed Use – PD	8	15 units per acre	18 %
Senior Restricted Apartment**	3	20 units per acre	15%

* See Figure 1228.04-1

** This shall mean a building or group of buildings containing dwelling units for households whose heads, or spouses, or sole members are at least 62 years of age or are handicapped as defined in Title II, Sec. 201 of the Housing and Community Development Act of 1974.

- (B) The ~~gross~~ **maximum** density shall be calculated by dividing the total number of proposed units by the gross acreage of the entire development including land for open space, rights-of-way, and other public dedications.
- (C) ~~Regardless of the amount of common open space to be dedicated, the maximum gross density within the PD District shall not exceed six units per acre.~~



(2) Minimum Floor Area Requirements

Dwelling units in a multi-family dwelling shall meet the minimum floor area requirements as established in Subsection 1227.02 (2): Minimum Floor Area Requirements.

(3) Area and Yard Requirements for Residential Uses

(A) The minimum lot size for residential uses shall be as follows:

- 1.) Single-family detached dwellings shall have a minimum lot size of 5,000 square feet.
 - 2.) Attached dwellings with four or fewer units, that are not part of a mixed-use building, shall have a minimum lot size of 7,500 square feet.
 - 3.) Attached dwellings with more than four units, that are not part of a mixed-use building, shall have a minimum lot size equal to 2,500 square feet per dwelling unit.
- (B) There shall be a minimum lot width of 40 feet for all residential uses.
- (C) All residential uses ~~within a residential or mixed-use PD~~ that have frontage along an arterial street shall have a minimum front yard setback of ~~40~~ **30 (thirty)** feet.
- (D) Unless otherwise specified in this chapter, all other residential building setbacks, which include a front yard on a non-arterial street and side/rear yard, shall be established as part of the planned development review process. Generally, these building setbacks should be less than those required in a traditional development.

(4) Single-Family and Two-Family Dwelling Standards

The following standards shall apply to all lots for single-family and two-family dwellings:

- (A) Single-family and two-family dwellings shall not exceed 36 feet in overall height.
- (B) Dwellings shall have a maximum front yard setback of 20 feet if the residence is part of a mixed-use PD, unless frontage is along an arterial street, as stipulated in Subsection 1228.04(3)(C). Setbacks for residential PDs shall be as approved by PZC. ~~and City Council.~~
- (C) ~~In mixed-use PD Districts,~~ All dwellings in a residential area are encouraged to have a front porch, facing the primary street, that extends along a minimum of 50% of the front elevation.
- (D) Principal and accessory buildings or structures may not cover more than 70% of the lot.

- (E) At least one parking space shall be provided within an enclosed garage whether attached or detached from the main dwelling.
- (F) One accessory garage may be permitted provided it is located in the rear yard.
- (G) One accessory dwelling unit may be constructed above a detached accessory garage. In such case, the accessory structure shall not exceed 24 feet in overall height.
- (H) Accessory uses shall be subject to the regulations of Section 1226.03: Accessory Uses unless otherwise exempted in this chapter.
- (I) Garages and parking areas other than driveways shall be designed as follows:
 - 1.) Garages may be accessed from a rear alley where approved by the PZC and City Council. If alleys are approved, the rear yard setback shall not apply to accessory garages.
 - 2.) Front loading garages shall be flush or setback from the front building line.
 - 3.) Access to a detached accessory garage or a side loading garages may be made by a driveway along the side of the principal building provided the driveway is setback a minimum of ~~three~~ **two** feet from side lot lines.

(5) Multi-Family Dwelling Standards

The following standards shall apply to all multi-family dwellings or mixed-use buildings with attached multi-family units (apartments):

- (A) Areas designated for multi-family dwellings may include all forms of attached housing including two-family dwellings, and residential dwelling units located above businesses.
- (B) Multi-family dwellings shall not exceed ~~48~~ **60** feet in overall height in a residential PD or 75 feet as part of a mixed-use building.
- (C) ~~The majority of off-street parking spaces shall be located in the rear yard with an allowance of one parking space per two dwelling units permitted in the front or side yards.~~ **Parking in the front yard of any multi-family or mixed use buildings with residential uses shall be limited to one access drive and one double bay of parking stalls (See Figure 1228.05-1).**
- (D) On-street parking shall be permissible provided the planned development is designed to include on-street parking.

- (E) Building setbacks shall meet the requirements set forth in Subsections 1228.04(3)(C) and (D).

(6) Common Ownership of Parcels upon Which Two or More Dwellings are Constructed

Before a zoning permit is issued for the construction of units where two or more dwellings are to be clustered on one parcel of land, the owner of such parcel shall be bound by a covenant running with the land, approved by the City's legal counsel, that so long as any such dwellings are upon such parcel of land, such parcel upon which such group is erected shall remain in one parcel. No division of property shall be allowed unless granted by the PZC and City Council through an approved subdivision.

1228.05 Nonresidential and Mixed-Use Development Standards

(1) Project Area and Open Space

The gross project area of land proposed to be developed in a *nonresidential PD* district (i.e. all commercial uses proposed) shall be 3 acres. The open space required shall be 15% of the gross project area.

(1)(2) Height and Setback Requirements

- (A) Nonresidential buildings and mixed-use buildings shall not exceed 80 feet in overall height.
- (B) Unless otherwise specified in this chapter, building setbacks shall be established as part of the planned development review process.

(2)(3) Nonresidential and Mixed-Use Building Standards

The following standards shall apply to all nonresidential or mixed-use buildings:

- (A) Buildings shall be oriented toward the major street. Buildings located on an intersection shall have the main entrance oriented toward the major street and any façade facing other streets shall have a similar architectural style(s).
- (B) The ground floor of the buildings should be designed to support retail businesses, personal services, restaurants, cafes, and other uses that will encourage street level activities.

Ordinance 2013-03 (AMENDED FEBRUARY 26, 2013)

- (C) Offices or residential should be developed on the second, third, and fourth floors of multi-floor buildings.
- (D) On-street parking shall be permissible provided the planned development is designed to include on-street parking.
- (E) Ground-mounted, attached signs, awning signs, and projecting signs shall be permitted to identify businesses in accordance with Section 1229.06: Signs. Attached signage is encouraged when buildings are at the minimum front setback.
- (F) Open spaces between buildings that create courtyards or walkways to the rear of the property or parking areas are strongly encouraged.
- (G) Buildings and parking areas shall be setback a minimum of 20 feet from the right-of-way. Sidewalks may be located in this setback if an easement is provided.
- (H) Parking in the front yard of any nonresidential building shall be limited to one access drive (two if corner lot) and one **double** bay of parking stalls (See Figure 1228.05-1).

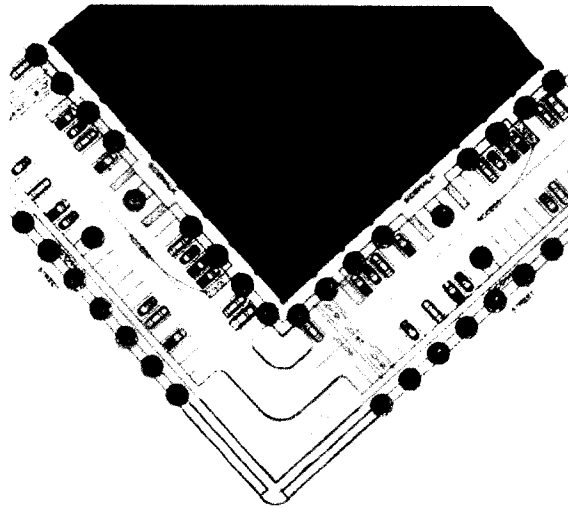


Figure 1228.05-1: Parking around nonresidential uses public and institutional uses. configuration as permitted.

SECTION TWO:

The City finds and determines that all formal actions of this Council concerning and relating to the enactment of this Ordinance were taken in open meetings of this Council and all deliberations of this Council or any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with Section 121.22, Revised Code.

SECTION THREE:

City Council declares this Ordinance to be an emergency immediately necessary for the preservation of the public peace, health, safety, and welfare of the citizens of Green. Provided that this legislation receives the affirmative vote of three fourths of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage And approval by the Mayor, otherwise, it shall take effect and be in force at the earliest time allowed by law.

ADOPTED: Feb. 26, 2013

Molly Stevens
Molly Stevens, Clerk

Dave France
Dave France, Council President

APPROVED: Feb. 27, 2013

Richard G. Norton
Richard G. Norton, Mayor

COPIED
SVCE ZONE PARK ROAD ENG
LAW FIN MAY PLAN FIRE

ENACTED EFFECTIVE: Feb. 27, 2013

ON ROLL/CALL: Colopy -yeu France -yeu Humphrey -yeu Knodel -yeu
Neugebauer -yeu Reed -yeu ~~Reed~~ Summerville - Absent
Adopted 6-0

Suburbanite publication on March 3 and March 10, 2013

Molly Stevens
Molly Stevens, Clerk

02/19/2013 Approved as to form and content by Stephen J. Pruneski, Law Director SP 2/19/2013
13