

**ORDINANCE NO. 25-2016**

**INTRODUCED BY: Mayor Donegan and Council as a Whole**

**AN ORDINANCE AMENDING CHAPTER 1260, MUPD MIXED USE PLANNED DEVELOPMENT DISTRICT, AND RE-NAMING AND RE-CONSTITUTING CHAPTER 1260 MUTND MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICT, AND AMENDING SECTIONS 1232.05, 1232.06 AND 1444.04 AND REPEALING SECTION 1272.04(E) OF THE CODIFIED ORDINANCES OF THE CITY TO PROVIDE FOR, AMONG OTHER THINGS, MIXED USE TRADITIONAL NEIGHBORHOOD DISTRICTS AND CRITERIA THEREFOR.**

**WHEREAS**, pursuant to Codified Ordinance Section 1212.02(b) and 1212.04, the City Municipal Planning Commission, in concert with the City Planner and consistent with the recommendations of the City Master Plan draft dated April 5, 2016, has drafted, evaluated, discussed, revised and considered public comments on establishing criteria for mixed use traditional neighborhood areas in the city and has finalized its proposals and recommendations to Council; and

**WHEREAS**, at its April 13, 2016 public meeting, the Planning Commission, by motion, voted and approved to recommend to City Council that Chapter 1260 of the Codified Ordinances be amended and that Sections 1232.05, 1232.06, and 1444.04 be amended and section 1272.04(E) be repealed, all of the same consistent with the draft exhibits received by the Clerk of Council from the Planning Commission and attached hereto; and

**WHEREAS**, Council has received the recommendation from the Planning Commission dated April 13, 2016 recommending adoption of new Chapter 1260 and the aforesaid amendments; and

**WHEREAS**, in accordance with Codified Ordinance Sections 1212.05(d) and 1212.03(h) and (j), Council has caused Notice of a public hearing by Council to be published in a newspaper of general circulation in the City at least thirty (30) days before such public hearing affording all interested parties the opportunity to be heard on the issue; and

**WHEREAS**, the requisite public hearing having been held by Council, after proper public notice of the same, this Council desires to accept the recommendation of the Municipal Planning Commission on this matter. Now therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** This Council hereby accepts and approves the recommendation of the Planning Commission dated April 13, 2016 and hereby amends, renames and

reconstitutes Chapter 1260, MUTND, Mixed Use Traditional Neighborhood District, to read in its entirety as shown on Exhibit "A" attached hereto and incorporated herein by reference as if fully rewritten herein; and hereby amends Sections 1232.05, 1232.06 and 1444.04 as respectively shown on Exhibit "B" attached hereto and incorporated herein by reference as if fully rewritten herein.

**SECTION 2.** That Section 1272.04(E) and all prior ordinances or resolutions inconsistent herewith are hereby expressly repealed.

**SECTION 4.** Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This Ordinance shall take effect at the earliest time allowed by law.

\_\_\_\_\_  
*Jay Linn, President of Council*

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
*Ann Marie Donegan, Mayor*

\_\_\_\_\_  
*Date*

APPROVED AS TO FORM: \_\_\_\_\_  
*Gregory M. Sponseller, Director of Law*

ATTEST: \_\_\_\_\_  
*Angela Mancini, Clerk of Council*

First Reading: April 26, 2016

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

**POSTING CERTIFICATE OF OLMSTED FALLS**

Angi Mancini, Clerk of Council of the City of Olmsted Falls, hereby certify that Res/Ord. 25-2016 was duly posted on the 22 day of April, 2016 and will remain so posted for a period of 15 days after its effective date as required by the Charter of the City  
A. Mancini Clerk of Council

Planning Commission Recommendation 4/13/16

**CHAPTER 1260**

**~~MUPD-MUTND~~ MIXED USE ~~TRADITIONAL NEIGHBORHOOD~~  
PLANNED DEVELOPMENT DISTRICT**

<b>1260.01</b>	<b>Purpose <del>And Intent.</del></b>	<b>1260.08<del>07</del></b>	<b>Development <del>Design</del></b>
<b>1260.02</b>	<b>Minimum Project Area And Ownership.</b>		<b>Standards.</b>
<b>1260.03</b>	<b>Principal Uses.</b>	<b>1260.09</b>	<b><del>Supplementary Regulations.</del></b>
<b>1260.04</b>	<b>Conditional Uses.</b>	<b>1260.10<del>08</del></b>	<b>Community Associations.</b>
<b>1260.05</b>	<b>Accessory Uses.</b>	<b>1260.11<del>09</del></b>	<b>Waivers.</b>
<b>1260.06</b>	<b><del>Common Areas And Open</del> Space Requirements.</b>	<b>1260.12<del>10</del></b>	<b>Approval Procedure.</b>
<b>1260.07</b>	<b><del>Location Criteria.</del></b>	<b>1260.13</b>	<b><del>Performance Bond.</del></b>

**1260.01      PURPOSE AND INTENT.**

(a) Purpose.

The purpose of this chapter is to establish provisions for Mixed Use Traditional Neighborhood Districts subject to the regulations and procedures contained herein and in conformance with the provisions of Part Twelve of the Codified Ordinances of the City of Olmsted Falls in order to:

~~It is the intent of the Mixed Use Planned Development (MUPD) District:~~

- 1) To encourage economic development that is compatible with the existing character of Olmsted Falls.
- 2) To encourage, in select areas, a mixture of uses including offices, limited retail, light industrial, and higher density residential in a manner that reinforces the present small-town, mixed-use environment.
- 3) ~~To encourage creative, high quality site design practices in the development of residential areas.~~
- 4) To utilize the unique environment between Plum Creek, Minnie Creek, and the West Branch of the Rocky River along Columbia Road to achieve the economic development objectives by orienting higher density uses along the waterways and lower density uses along Columbia Road according to the policies established in the Comprehensive Plan.
- 5) ~~To create neighborhoods which are pedestrian oriented and which are focused on walkability and green spaces but still accommodate vehicular access.~~
- 6) ~~To promote safe and efficient pedestrian, bicycle, and vehicular movement.~~
- 7) To preserve an open space corridor along Plum Creek, Minnie Creek, and along the West Branch of the Rocky River and ensure that natural resources, including views of the River and Creeks, will be preserved.
- 8) To ensure that development occurs in a unified manner in accordance with a development plan.

(b) Intent.

The regulations contained herein are intended to permit the creation of higher density residential neighborhoods that combine larger scale residential development in coordination with nonresidential uses in a manner that has a pedestrian rather than a vehicular orientation and that complements the existing features, image and character of Olmsted Falls. It is further intended that architectural treatment within Mixed Use Traditional Neighborhood Districts be of high quality and be designed with characteristics compatible to Olmsted Falls that will enhance the established characteristics of the community and downtown area. Finally, it is intended that Mixed Use Traditional Neighborhood Districts provide bike and pedestrian ways that provide enhanced connectivity with other neighborhoods and the downtown.

#### **1260.02 MINIMUM PROJECT AREA AND OWNERSHIP.**

The following criteria must be met in order to be create a Mixed Use Traditional Neighborhood District:

(a) Each Mixed Use Traditional Neighborhood District shall have a minimum area of not less than fifteen (15) contiguous acres. ~~The gross area of a tract of land proposed to be developed as an MUPD District shall be at least thirty acres and have a minimum of 600 feet of frontage abutting either the West Branch of the Rocky River or Plum Creek. However, the Planning Commission may waive these standards when they determine that, because of unique circumstances, these minimum standards cannot be achieved and the development of the property at the lesser standard will not have any material adverse impact on the adjacent property or the City, provided that in no case shall the area of the Mixed Use Traditional Neighborhood District~~ ~~MUPD~~ be less than ~~ten~~ five (5) acres. Unique circumstances may include, but are not limited to, the following:

- 1) The proposed ~~MUTND~~MUPD is adjacent to and thus becomes an extension of an existing or separately proposed ~~MUTND~~MUPD; or
- 2) Because of existing uses, natural features, or ownership patterns there is no, or little, likelihood that contiguous land area can be acquired and consolidated to achieve the requisite ~~fifteen (15) contiguous~~thirty acres.

(b) ~~At time of establishment, each Mixed Use Traditional Neighborhood District shall To be eligible for an MUPD, such tract of land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations, provided that an application must be filed by the owner or jointly by owners of all property included in the project area. In the case of multiple ownership, the approved final development plan and related conditions, including the phasing of development, shall be binding on all owners.~~

#### **1260.03 PRINCIPAL USES.**

~~In a Mixed Use Traditional Neighborhood District an MUPD District, the following uses shall be permitted by right and, when developed exclusive of any of the uses listed as a conditional use in Section 1260.04(a), they shall not be considered a Mixed Use Traditional Neighborhood Planned Development, and shall not be subject to the minimum thirty-acre project area requirements of Section 1260.02:~~

(a) Residential. Single-family detached dwellings developed in accordance with the D1 District regulations set forth in Chapter 1240.

- (b) Open Spaces. Public and/or private parks, playgrounds, playfields, golf courses, tennis courts, swimming pools, recreation center buildings, or other similar recreational uses. ~~Recreational~~. Public parks, playgrounds, playing fields, golf courses, tennis courts, recreation center buildings, swimming pools, or other similar recreational uses of a public nature. A swimming pool or principal building shall be located at least 100 feet from any lot or property line.

#### **1260.04      CONDITIONAL USES.**

Within a Mixed Use Traditional Neighborhood District no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the following uses:

(a) The following uses may be permitted in an ~~MUPD~~ **MUTND** District only when specifically authorized by the Planning Commission and further provided that each such use is identified on and approved as part of the General Development Plan according to the procedures contained in Section 1232.05 and the regulations set forth in this chapter:

~~—(a) The following uses, when located in accordance with the specific criteria of Section 1260.07, may be permitted as part of a Mixed Use Planned Development:~~

- 1) Single-family dwellings on standard subdivided lots,
- 2) Single-family detached cluster dwellings,
- 3) Single-family attached dwellings with no more than eight dwelling units contained in any one building, and
- 4) Multi-family dwellings with no more than sixteen dwelling units per building.
- 5) Offices. Professional, administrative, medical, public, semi-public, and civic offices, excluding drive-thru establishments of any type.
- 6) Retail business and service establishments. Retail business uses and personal services in wholly enclosed buildings (including beauty and barber shops, banks, dry cleaners, shoe repair shops, and day care centers but excluding drive-thru establishments of any type). (Note that temporary outdoor sales or displays may be permitted per Section 1274.10.)
- 7) Eating Places. Restaurants, ice cream parlors and pizza, or other specialty food establishments, but excluding drive-thru food establishments of any type.
- 8) Hotels, motels, inns and conference centers.
- 9) Senior residence and assisted living facilities.
- 10) Nursing care facilities provided that the minimum land area per bed shall be 1,000 square feet.

~~Limited industrial. Industrial uses in wholly enclosed buildings that are clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust, and which have all aspects of the use conducted within enclosed structures, including the overnight parking or storage of fleet vehicles.~~

(b) The following uses may be permitted in a ~~MUTND~~ **MUPD** District in compliance with the provisions of Chapter 1264:

- 1) Churches and other places of worship;
- 2) Cemeteries;
- 3) Public elementary and secondary schools, and parochial or private schools;
- 4) Public utility transmission rights-of-way, substations, and other utility installations;

- 5) Wireless telecommunication towers or facilities when in compliance with Chapter 1271.

**1260.05 ACCESSORY USES.**

In an **MUTND** District, structures and uses customarily incidental to any of the permitted or conditional uses set forth in this chapter and occupying the same lot or tract of land shall be permitted, including:

- (a) Parking Facilities. Garages or off-street parking areas as set forth in Chapter 1270.
- (b) Temporary Construction Buildings as specified in Section 1274.09 which are incidental to construction and which shall be removed upon the substantial completion of such construction, as determined by the Zoning Administrator.
- (c) Bed and Breakfasts ~~may be allowed by the Planning Commission as a conditional accessory use in accordance with the requirements of 1264.05(d).~~
- (d) Child Day-Care Homes, in a single-family dwelling, in compliance with Section 1240.11.
- (e) Home occupations, in compliance with the regulations set forth in Section 1240.12.
- (f) Recreational facilities, including private swimming pools subject to Section 1274.12, and any other applicable City ordinance, for the exclusive use of residents and their guests.
- (g) Signs, ~~as set forth in Chapter 1272~~ **subject to Section 1260.07(q) hereof.**

**1260.06 COMMON AREAS AND OPEN SPACE REQUIREMENTS.**

In a **MUTND**~~MUPD~~ District, all proposed development shall comply with the following open space requirements:

- (a) **Special Natural Area Corridors.** The banks of Plum Creek, Minnie Creek, and the West Branch of the Rocky River shall be preserved and available to the general public pursuant to the terms and restrictions of this section and shall comply with the following:
  - 1) The natural area corridor shall extend along the entire waterway frontage and shall have a minimum depth of 100 feet measured from the edge of the waterway, except that a maximum of thirty percent of the length of the natural area corridor may be reduced to a depth of not less than fifty feet.
  - 2) The natural area corridor shall be for public access, use, and enjoyment. No structures, parking areas, access drives, or other pavement, except for pedestrian and bicycle pathways, sitting areas, and look-outs, shall be permitted in the natural area corridor. The specific use of the corridor shall be established during review of the overall concept plan as determined by the Planning Commission.
  - 3) Trees within the natural area corridor shall not be disturbed, destroyed, or removed other than as necessary to locate and construct pedestrian pathways. Trees with a caliper of ~~three~~ **eight (8)** inches or greater that are to be disturbed, destroyed, or removed shall be replaced by an equal number of trees within the corridor area or adjacent thereto as determined by the Planning Commission. Each replacement tree shall have a minimum caliper of two ~~and one-half~~ **(2.5)** inches.
  - 4) If there is any uncertainty as to the exact location of the edge of the waterway, the location of the water's edge, for the purposes of establishing the limits of the



natural area corridor, shall be determined by the Planning Commission.

- 5) When a standard single-family subdivision is developed separately from a Mixed Use **Traditional Neighborhood** Development, the natural area corridor shall be provided in addition to and exclusive of any rear or side yard requirements.
- 6) The natural area corridor shall be clearly designated on the applicable development plan and/or subdivision plat.
- 7) Appropriate pedestrian access from public streets or from common open space to the natural area corridor shall be designated on the development plan and approved by the Planning Commission.
- 8) In addition to these requirements, the use of the natural area corridor and the land areas adjacent thereto shall comply with other applicable regulations established for floodplains in Section 1274.14 and any other applicable local, State, or Federal floodplain or wetland regulations.

(b) **Common Open Space.** In addition to the public parks and public open space requirements set forth in Chapter 1216, a minimum of twenty (20%) percent of the total project area of a proposed **MUTND**MUPD, inclusive of the required natural area corridor established in Subsection 1260.06(a) above, shall be devoted to common open space.

~~Land areas devoted to streets, drives, parking areas, rights-of-way, required setbacks from streets and rights-of-way, required spacing between buildings, and areas within individual lots shall not be included in the calculation of open space for the purpose of meeting the minimum area requirement. Open space areas within required buffers and/or setbacks from property lines may be counted as common open space when such areas are contiguous to and part of a larger common open space area. Such areas shall be clearly designated on the development plan and shall comply with the following:~~

~~Any common open space that is not part of the natural area corridor set forth in subsection (a) above shall be designed and located so as to provide (to the extent possible) pedestrian access to and views of the natural area corridor along the waterway. No building or parking area shall be permitted in the designated area.~~

~~Other common areas shall not be considered as part of the required open space, including land fragments between two or more buildings and between buildings or parking areas, and required yards between project boundary lines and buildings or parking areas.~~

(c) **Access.** Appropriate public pedestrian and bicycle pathways providing access to public streets, common open space, natural area corridor, and/or adjacent parcels shall be designated on the development plan and approved by the Planning Commission.

(d) **Management and Maintenance of Natural Areas and Open Space.** ~~The ownership of all common open space areas, vegetative buffers, detention ponds, parking areas, and similar common spaces shall be identified and a perpetual maintenance plan for said areas submitted to the City for review and approval. Said perpetual maintenance plan shall set forth responsibility for maintenance of all such areas and describe the method of financing for said maintenance program. The perpetual maintenance plan shall be part of the general development plan and documented for review and approval. The perpetual maintenance plan shall identify the City of Olmsted Falls as a beneficial party thereto with rights, but no obligation, to enforce the provisions contained therein.~~

~~The natural area corridor and common open space reserved as part of an MUPD shall either be:~~

Retained by the owners of the project area;

Dedicated to an owners' association that shall have title to the land to be retained as common open space; or

Offered to the City for public open space. The City shall have the right not to accept any land area offered to the City. In the event of such refusal, the conditions of either paragraph (c)(1)A. or B. hereof shall apply. Any land area that is accepted by the City for dedication as public open space shall also continue to be counted toward the requirements for common open space.

The legal articles relating to the ownership, management, public easements, if any, and maintenance of such common open space and natural area corridor shall be reviewed and approved by the City's Law Director. The Law Director shall indicate such approval prior to the development plan being approved by the Planning Commission.

(d) ~~Requirements for Public Parks and Public Open Space.~~ As stated earlier, in addition to the common open space requirements set forth in this section, all residential developments shall comply with the requirements for public parks and public open space set forth in Chapter 1216.

#### **~~1260.07 LOCATION CRITERIA.~~**

As shown on the Zoning Map, the MUPD is located on both sides of Columbia Road extending west to Plum Creek, and east to the West Branch of the Rocky River. To ensure that the design of a Mixed Use Planned Development meets the objectives of the MUPD District as stated in Section 1260.01, each portion of the MUPD District on either side of Columbia Road shall be divided into two areas along an imaginary line, generally extending north and south, drawn along the midway points between the Columbia Road right of way and the edge of the waterway. For the portion of the MUPD on the east side of Columbia Road, this line shall be extended due south to the railroad right of way for that portion of the MUPD District which has the railroad (and not the West Branch of the Rocky River) as its eastern boundary. The Columbia Corridor shall be the area adjacent to the street right of way; the Waterway Corridor shall be the area adjacent to the waterway.

—The uses enumerated in Section 1260.04 shall be permitted only when in compliance with the following location and development criteria:

—(a) ~~Columbia Corridor.~~ The primary use of the Columbia Corridor shall be single family dwellings, single family detached cluster dwellings, and single family attached dwellings, with not more than five dwelling units on any one acre. Business establishments, service uses, and eating places may be permitted in Columbia Corridor provided that:

—(1) The maximum development area for such is ten acres or five percent of the total acres of the MUPD project, whichever is less;

—(2) The area has a useable and suitable size and shape for the intended development;

—(3) The development area has a minimum of 200 feet of frontage on Columbia Road;

—(4) The primary access for the development is provided from a side street serving the MUPD; and

—(5) The design of the buildings, roads, parking areas, and internal circulation creates



a unified development.

~~(b) Waterway Corridor. Any conditional use enumerated in Section 1260.04 shall be permitted in the Waterway Corridor, provided that:~~

~~(1) The density of the area devoted to residential uses is not less than five dwelling units per acre and not more than seven dwelling units per acre. In determining the density, area devoted to common open space or the natural area corridor shall not be included.~~

~~(2) No more than thirty percent of the land area of the MUPD in the Waterway Corridor is devoted to residential uses.~~

~~(3) Non residential uses are oriented toward the water and are contiguous to either the natural area corridor or other non residential uses.~~

~~(c) Use Exceptions in the Columbia Corridor. An office or industrial use permitted in the Waterway Corridor may extend into the Columbia Corridor, provided that the entire area of an office or industrial development in the Columbia Corridor is occupied by a single tenant or owner/occupant, is either contiguous to the natural area corridor or is adjacent to a non residential use located in the Waterway Corridor pursuant to subsection (b) above, and the site development and design characteristics of the expanded development will be consistent with the overall objectives of this District.~~

#### **1260.0807 DEVELOPMENT DESIGN STANDARDS.**

A **Mixed Use Traditional Neighborhood Development**, ~~Mixed Use Planned Development~~ approved as a conditional use shall comply with the following development **design** standards:-

- (a) **Residential Density.** The maximum density of areas devoted to residential uses shall not exceed seven (7) dwelling units per acre, provided however, that age restricted senior residences and assisted living facilities shall not exceed twenty (20) dwelling units per acre. In determining residential density, areas devoted to common open space or the natural area corridor shall not be included.
- (b) **Mixed Use Requirement.** Every MUTND shall contain a mixture of uses.
  - 1) Residential uses shall comprise not less than thirty percent (30%), nor more than seventy percent (70%) of the total land area of the MUTND.
  - 2) Non-residential uses, including offices, commercial uses, and institutional uses shall comprise not less than ten percent (10%), nor more than fifty percent (50%) of the total land area of the MUTND.
  - 3) The Planning Commission may adjust the standards set forth in Subsections 1 and 2 hereof in instances where they make a determination that such adjustment is necessary due to the existence of unique circumstances and in order to achieve the goals of the Comprehensive Plan.
- (c) **Minimum Building Setbacks From Project Boundaries.** Where a building abuts any ~~MUTND~~MUPD project boundary line, the minimum setback shall be twenty-five feet when adjacent to a P, C or I District and twenty-five feet plus one foot of additional setback for every two feet of building wall-length **height** greater than ~~thirty~~**twenty-five (25)** feet when adjacent to a D Dwelling District. In no case, however, shall the required setback exceed 100 feet.
- (d) **Minimum Building Setbacks From Streets.** ~~When the wall of a building abuts an existing or proposed public right of way, the minimum setback for such wall~~

~~shall be fifty feet from the right-of-way line. When the wall of a building abuts a private street or driveway, the minimum setback for such wall shall be twenty feet from the edge of the pavement.~~ Buildings shall be setback a minimum of five (5) feet and a maximum of twenty-five (25) feet from any public street right-of-way or private street easement. In no case shall a front facing garage door of any residential dwelling be located closer than twenty-five (25) feet from any street right-of-way or easement.

- (e) **Minimum Separation Between Buildings.** In order to ensure reasonable privacy and separation of buildings, individual buildings located within the ~~MUTND~~MUPD shall be separated by the minimum distances specified below:
- 1) Single-family detached dwelling units shall be separated from each other by a minimum of ~~twenty feet, except that when two walls facing each other both contain windows of living areas, or adjacent patios or decks, the minimum separation shall be forty feet.~~ **ten(10) feet.**
  - 2) Single-family detached dwelling units shall be ~~forty-~~a minimum of thirty (30) feet from attached single-family dwellings.
  - 3) Single-family detached dwelling units shall be ~~sixty-~~a minimum of forty (40) feet from all other **habitable** buildings.
  - 4) **The minimum separation between** attached single-family dwellings, multi-family dwellings, and nonresidential buildings shall be a twenty-five (25) feet ~~plus one foot of additional separation for every two feet of building wall overlap greater than thirty-five feet.~~ **provided however, that this separation shall not apply to mixed-use work-live buildings with commercial or office uses on the first floor and residential dwellings above.**
- (f) **Building Height.** The maximum height of any ~~principal~~-single-family building shall be **thirty-five (35) feet** ~~when located in the Columbia Corridor and the maximum height of multi-family and non-residential buildings shall be three (3) stories and forty-five (45) feet when located in the Waterway Corridor, unless a greater height is specifically authorized by the Planning Commission.~~
- (g) **Parking Setbacks.** Off-street parking areas and roadways must be screened according to Section 1274.01 and shall comply with the following setback requirements:
- 1) All off-street parking areas shall be set back from an existing or proposed public right-of-way a distance not less than ~~twenty-~~**ten (10) feet.**
  - 2) All off-street parking areas and roadways shall be set back from all other boundaries of the ~~MUTND~~MUPD not less than **twenty-five (25) feet.**
- (h) **Architectural Treatment.** Architectural treatments shall be as approved and authorized by the Planning Commission and shall demonstrate a cohesive design concept, which promotes compatibility among structures while incorporating a diversity of materials, styles, and features conducive to an attractive and desirable residential environment. The architectural design of all buildings and structures shall be of high quality and shall make use of materials generally regarded as premium quality. Buildings shall be designed to preserve and enhance the character of Olmsted Falls and be appropriate and compatible with the surroundings of the Mixed Use Traditional Neighborhood Development. Building designs need not be historical in character, but shall be compatible with

the established character of the City. At a minimum, architectural treatments shall comply with the following criteria:

- 1) Architectural features, materials, and the articulation of building facades shall be continued on all sides visible from a public street or courtyard.
  - 2) Front facades of dwellings shall face onto a public street or courtyard, but shall not be oriented to face directly onto a parking lot.
  - 3) Porches, roof overhangs, hooded doorways, or similar architectural elements shall define the front entrance to all residences.
  - 4) A minimum of fifty percent (50%) of the ground floor front façade of commercial buildings shall be transparent, consisting of window or door openings.
  - 5) Front facing residential garages shall be setback at least five (5) feet behind the front wall and/or front entrance of the dwelling.
  - 6) All residential buildings shall have twenty-five percent (25%) masonry veneer on the front façade except where this requirement is specifically waived and an alternative façade treatment is approved by the Planning Commission.
- (i) Access and Connectivity. Streets and alleys shall be designed to permit adequate access by emergency vehicles, promote the safety of motorist and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic. Sidewalks and pathways shall provide connectivity within the development, with adjacent properties, and with **downtown**. The vehicular circulation system shall be designed to assure that the entire area (as shown on the Comprehensive Plan) is a cohesive development, and to promote inter-connection among individual projects. Internal circulation that isolates a project shall be discouraged. Streets and walkways shall be extended and stubbed to adjoining properties to allow for future extensions. The specific manner of termination of streets and pathways shall be as determined and approved by the Planning Commission. The Planning Commission may consider private streets pursuant to Section 1268.07(g).
- (j) Ownership. Any ownership arrangement, including fee simple lots, condominiums, and zero lot line parcels, is permitted in a residential development proposed as part of an **MUTNDMUPD**, provided the arrangement of the dwelling units shall comply with the spacing requirements of this section. Within any such subplot, the applicant shall depict the maximum parameters, or building envelope, which indicates where the buildings shall be located and demonstrate that such building locations will be in compliance with the spacing requirements of this section. Alternatively, if such building locations are not depicted on any such sublots, the Planning Commission may establish on the development plan the appropriate front, side, and rear yard dimensions for each subplot.
- (k) Public Improvements. All public improvements constructed within a Mixed Use Traditional Neighborhood Development shall conform to the design standards and regulations set forth in the codified ordinances and zoning code of the City of Olmsted Falls for such facilities, except as specifically modified on the approved General Development Plan.
- (l) Additional Standards. Additional development requirements, whether standards or criteria, formulated to achieve the objectives of the **MUTNDMUPD** District

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may be established during the Planning Commission's review of the development plan. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.

- (m) Phased Development. If the development is to be implemented in phases, each phase shall provide adequate access, parking, storm water management, and other public improvements, including temporary or permanent transitional features such as buffer areas, in order to prevent any adverse impact on completed phases, future phases, and adjoining projects.
- (a)(n) Screening and Landscaping. Screening through the use of walls, fences, and/or landscaping shall be provided to minimize potential incompatibility between contrasting uses within an ~~MUTND~~MUPD and with adjoining properties. All open areas, including required yards, shall be landscaped according to an approved landscape plan. All pervious areas of the ~~MUTND~~MUPD shall be permanently protected from soil erosion with grass or other suitable ground cover.
- (o) Enclosed Buildings. All activities except off-street parking, accessory recreation, and refuse storage shall be conducted in a completely enclosed buildings unless otherwise permitted as a temporary outdoor sale or display per Section 1274.10. Outdoor seating at eating places may be permitted if approved by Planning Commission.
- (p) Equipment Installation. All equipment or machinery used in servicing a building, or in processing goods therein, shall be installed entirely within the building or enclosed or screened on all sides by a solid wall or fence in compliance with Section 1274.01, and shall be located, isolated, or sound insulated in such a manner that any noise generated thereby is not objectionable beyond the limits of the lot where such equipment is located, as determined by the Planning Commission.
- (q) Signs. Signs shall be permitted in a Mixed Use Traditional Neighborhood Development as authorized and approved by the Planning Commission. The Commission shall have sole authority to establish the size, design, character, height, number, style, and location of all signage within an MUTND. The Commission may require the applicant or provide proposed sign standards package for review and approval as part of the approval of the MUTND. The Commission may establish specific sign criteria and standards for each MUTND as it may determine to be appropriate based upon the nature of the development. Signs within an MUTND shall not be subject to the provisions of Chapter 1272. The Building Commissioner and City Planner may issue sign permits within any a Mixed Use Traditional Neighborhood Development based upon the approval and standards established by the Planning Commission.

## ~~1260.09~~ SUPPLEMENTARY REGULATIONS.

### ~~1260.1008~~ COMMUNITY ASSOCIATIONS.

Community associations or similar legal entities that, pursuant to Section 1260.06, are responsible for the maintenance and control of common areas, including recreational facilities, the natural area corridor, and common open space, shall be established in such a manner that:

- (a) Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (b) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities; and
- (c) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

**1260.1109 WAIVERS.**

If the Planning Commission determines that certain design standards set forth in this chapter do not or should not apply specifically to the circumstances of a particular project, and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Planning Commission may relax such standards to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the public good and without detriment to or impairment of the intent of this chapter.

**1260.1210 APPROVAL PROCEDURE.**

A ~~Mixed Use Traditional Neighborhood District~~ Mixed Use Planned Development shall be approved according to the procedures set forth in Sections 1232.05 through 1232.065 for planned developments.

**~~1260.13 PERFORMANCE BOND.~~**

~~A performance bond shall be required. Such bond shall guarantee the completion of all public improvements required by the City prior to the issuance of a building permit. The scope and amount of such performance bond shall be established by the City Engineer.~~





## **1232.05 PLANNED DEVELOPMENT PROCEDURES.**

Both Planned Residential Developments (PRD) and **Mixed Use Traditional Neighborhood Developments** ~~Mixed-Use Planned Developments (MUTNDMUPD)~~ are conditionally permitted uses and their approval as a conditional use shall follow the administrative provisions (including the deposit of fees) set forth in Section 1232.04(a) for conditional uses. In addition PRDs and **MUTNDs** ~~MUPDs~~ require the submission and approval of an overall conceptual plan:

(a) Overall Conceptual Plan. Following preliminary discussions by the applicant with the Planning Commission, an overall Conceptual Plan shall be submitted formally for the entire tract of land proposed to be developed as a PRD or **MUTNDMUPD**. The overall Conceptual Plan, in addition to the requirements of Section 1232.04(a)(1)(A) through 1232.04(a)(1)(D), shall clearly indicate the following:

- 1) Topography at ten-foot intervals;
- 2) Location, type, and general arrangement of residential uses, indicating the acreage and proposed density for each area;
- 3) Location, type, and general arrangement of nonresidential uses, indicating the acreage for each area and proposed square footage for each building;
- 4) Area(s) to be set aside to meet the common open space requirement; including the natural area corridor required for a **MUTNDMUPD**;
- 5) Vehicular and pedestrian circulation systems;
- 6) Any areas of special landscaping or buffering treatment; and
- 7) Proposed phasing of the development including the establishment and improvement of the required common open space.
- 8) Initial overall Tree Preservation and Management plan.

(b) Public Hearing. Prior to granting approval of an overall Conceptual Plan as a PRD or **MUTNDMUPD** conditional use, the Planning Commission shall hold a public hearing following the notification requirements and procedures required for conditional uses in Section 1232.04(a)(5). ~~If, prior to its approval as the Master Plan, the conceptual plan is substantially revised from that presented at the public hearing, there shall be another opportunity for the public to view and comment on the plan prior to its approval.~~

(c) Effect of Overall Conceptual Plan Approval. Once the overall Conceptual Plan is reviewed and approved by the Planning Commission as described above and according to the conditional use procedures set forth in Sections 1232.04(a)(1) through 1232.04(a)(6), it will be come the approved Master **Development** Plan. Subsequent approval of the preliminary development plan and the final development plan shall comply with the procedures for development plan review set forth in Section 1232.06.

(d) Project Developed in Phases. If the project is to be developed in phases, each phase shall be reviewed and approved in accordance with the procedures for development plan review set forth in Section 1232.06. If, in the judgment of the Planning Commission, any phase differs significantly from the approved Master **Development** Plan or results in an alteration of the Master **Development** Plan, the Planning Commission shall approve a revised Master **Development** Plan, and may, depending on the significance of the proposed changes, require a public hearing prior to approving the revised Master **Development** Plan and the specific phase. This public hearing, if required, shall follow the procedures described in Section 1232.04(a)(5) and shall occur prior to approval of the preliminary development plan for the phase.

**1232.06 DEVELOPMENT PLAN REVIEW.**

The purpose of this section is to provide for adequate review by the Planning Commission of proposed developments in those zoning districts where the uses permitted are of such a nature, because of their size, scale, or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety, and general welfare of the community.

(a) Development Plan Review Required. Development plan review shall be required for the following:

- 1) New construction of PRDs, ~~MUTND~~ MUPDs, all attached single-family dwellings, all multi-family dwellings, planned mobile home parks, and all permitted uses in professional, commercial, industrial and mixed use districts;
- 2) All conditional uses in all districts; and
- 3) Any existing or previously approved development meeting the criteria of paragraph (a)(1) or (2) hereof which proposes to alter, reconstruct, or otherwise modify a use or site in any one of the following ways:
  - A. Expanding the floor area of the permitted use;
  - B. Increasing the number of dwelling units in a residential development project;
  - C. Changing the use in such a way that requires an increase in the amount of parking spaces; or
  - D. Changing the site's vehicular or pedestrian circulation system.

(b) Pre-application Meeting. ~~The applicant is encouraged to meet informally with the Zoning Administrator~~ ~~City Planner to review conceptual plans~~ ~~insure that the proposed preliminary development plan is consistent with the approved Master Development Plan prior to preparing the preliminary development plan for submission to the Planning Commission.~~ ~~The purpose of such review is to establish a mutual understanding of the provisions of this Zoning Code and the development objectives of the City as expressed through the Comprehensive Plan.~~ **The applicant is encouraged to meet informally with the City Planner to review conceptual plans to insure that the proposed preliminary development plan is consistent with the approved Master Development Plan prior to preparing the preliminary development plan for submission to the Planning Commission. The purpose of such review is to establish a mutual understanding of the provisions of this Zoning Code and the development objectives of the City as expressed through the Comprehensive Plan.**

(c) Submission of a Preliminary Development Plan. The applicant shall submit the preliminary development plan to the ~~Zoning Administrator~~ **Building Department** along with payment of the required fee. The preliminary development plan shall be prepared by a qualified professional and drawn to an appropriate scale, and shall disclose all uses proposed for the development, their location, extent and characteristics. The application for preliminary development plan review shall include the following maps, plans, designs, and supplementary documents, unless specific items are determined by the ~~Zoning Administrator~~ **City Planner** to be inapplicable or unnecessary and are waived in writing by the ~~Zoning Administrator~~ **City Planner**. The number of copies of plans to be submitted shall be ~~determined by the Zoning Administrator~~ **conform to established City policies and procedures for applications**. In the case of a PRD or ~~MUTND~~ MUPD, the preliminary development plan may encompass the entire area included in the overall conceptual plan or only a portion thereof.

- 1) An accurate ~~legal~~ description prepared by or certified by a registered surveyor of the State;
- 2) A property location map showing existing property lines, easements, utilities and street rights-of-way;

- 3) A preliminary development plan indicating:
    - A. The use, location, and height of existing and proposed buildings and structures, including accessory buildings, structures, and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;
    - B. The location and configuration of off-street parking and loading areas; 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;
    - C. Adjacent streets and parcels, including lot lines, buildings, parking areas, and drives within ~~200~~ 100 feet of the site;
    - D. Proposed and existing fences, walls, signs, and lighting;
    - E. The location and layout of all outdoor storage areas for the storage of such items as fleet vehicles, waste materials, and trash receptacles; and
    - F. The dimensions of all buildings, setbacks, parking lots, drives, and walkways;
  - 4) Topographic maps showing existing and proposed grading contours, major vegetation features, and wooded areas;
  - 5) A Tree Preservation and Maintenance Plan, pursuant to Chapter 1218, and a proposed Landscaping Plan and a proposed Screening Plan indicating the location, size, and species of existing and proposed vegetation, landscaping, and screening elements; **A tree survey of all trees with a caliper of eight (8) inches or greater that are to be disturbed, destroyed, or removed and a plan for replacement with an equal number of trees which shall have a minimum caliper of two and one-half (2.5) inches.**
  - 6) Preliminary architectural sketches of **concepts for buildings, signs, and other structures, floor plans, site construction materials, and signs;**
  - 7) A summary table showing the total acres of the proposed development; the number of acres devoted to each type of residential and/or nonresidential use including streets and open space; and the number of dwelling units by type; and
  - 8) Such other documentation needed for the evaluation of the preliminary development plan, as may be deemed necessary by the Zoning Administrator **City Planner** or the Planning Commission.
- (d) **Simultaneous 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 1224. Preliminary development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission.
- (e) **Acceptance of Application and Review.** After the applicant has conferred with the Zoning Administrator **City Planner** and discussed general details of the preliminary development plan, the applicant may formally make application for Planning Commission review and shall submit an application in compliance with the submission requirements set forth in subsection (c) hereof. The Zoning Administrator **City Planner** shall review the application for compliance with the submission requirements. After the Zoning Administrator **City Planner** has determined the application includes all the

required information, the ~~Zoning Administrator~~ application shall be placed the application on the agenda of the Planning Commission's next regular meeting. The filing date of the application shall be the date of the meeting that the application is determined to be complete.

(f) Distribution of Plans. After the completed application has been filed, the ~~Zoning Administrator~~ City Planner shall coordinate the detailed technical review of the application. ~~The Zoning Administrator~~, and shall distribute copies of the application to the appropriate Planning Commission, Department Heads, and professional consultants for reviews and comments.

- 1) ~~To the Planning Commission;~~
- 2) ~~To the Architectural Board of Review for its comments and recommendations pursuant to its authority in regard to structures as defined in Section 1206.04(b)(4) and 1444.04 (further noting that the recommendations of this board in regard to landscaping shall be final except that the location of primary landscape elements within the site plan is subject to final approval by the Planning Commission should the Planning Commission determine that such location affects the viability of other site design issues); and~~
- 3) ~~To the City Engineer, the City Planner, appropriate administrative departments, boards, and commissions of the City (including the Shade Tree Commission if street areas and/or public property are involved), and professional consultants (including the City Arborist) who, in the opinion of the Planning Commission, should be asked for comments on the proposal.~~

Any resulting reports, comments, or expert opinions shall be compiled by the ~~Zoning Administrator~~ Building Department and transmitted to the Planning Commission prior to the time of the Commission's review.

(g) Informal Meetings. In reviewing any application, the Planning Commission may meet informally with the applicant; however, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations of the Planning Commission discussed at such meeting shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Planning Commission.

(h) Review Criteria. The Planning Commission shall consider:

- 1) The location of buildings, parking areas, and other features with respect to the topography of the lot and existing natural features such as streams and large trees;
- 2) The efficiency, adequacy, and safety of the proposed layout of internal streets and driveways;
- 3) The location of the green areas, including common open space, bearing in mind the possible effects of irregularly shaped lots;
- 4) The location of signs;
- 5) The adequacy of location, landscaping, and screening of the parking lots;
- 6) The provisions for storm water management, erosion and sedimentation control, grading, and preservation of the site's natural features;
- 7) Compliance with the goals and policies set forth in the Comprehensive Plan; and
- 8) Such other matters as the Commission may find to have a material bearing upon the stated standards and objectives of the various district regulations.

(i) Planning Commission Review And Determination. The Planning Commission shall review the proposed preliminary development plan according to the criteria set forth



in subsection (h) hereof at one or more of its public meetings and may request that the applicant supply additional relevant information that the Commission deems necessary to adequately review and evaluate the proposed development. In order to approve a preliminary development plan, the Planning Commission shall determine that:

1. The preliminary development plan is consistent with ~~any existing plan~~ the City's Comprehensive Plan for the orderly development of the City and that the appropriate use and value of property within and adjacent to the area will be safeguarded with the approved Master Development Plan for the development.
2. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

~~— D. The development will have adequate public service and open spaces.~~

- 3) The design of the parking areas minimizes dangerous traffic movements, achieves safe and efficient traffic flow for both vehicles and pedestrians, and provides an appropriate number of off-street parking spaces, and provides the appropriate number of driveways at appropriate locations.
- 4) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas.

~~— G. The proposed signs: 1) adequately identify the use; and 2) are located so as to maintain safe and orderly pedestrian and vehicular circulation, noting that the ABR will subsequently approve the signs in regard to appropriate material, size, scale, and design in relationship to the principal building, its site, and its surroundings.~~

- 5) The Tree Preservation and Maintenance Plan, and the Landscaping Plan shall adequately enhance the principal building and the 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 considering the ultimate mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical winter conditions.
- 6) The plan, to the extent practicable, will preserve and be sensitive to the natural characteristics of the site and is in compliance with the applicable regulations set forth in this Code.
- 7) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
- 8) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, watercourses, and drainage areas, and shall comply with the applicable regulations in this Zoning Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters.
- 9) If the project is to be carried out in progressive stages, each stage is so planned that the foregoing conditions will be complied with at the completion of each stage.

(i) Action by Planning Commission. The Planning Commission shall either:

- 1) Approve the preliminary development plan as submitted;
- 2) Approve the preliminary development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets, or such

- features as fences, walls, and plantings to further protect and improve the proposed and surrounding developments; or
- 3) Deny the preliminary development plan. If the Commission finds that a proposed plan does not meet the purposes of these regulations, it shall deny the plan and shall submit its findings in writing, together with the reasons therefor, to the applicant, upon the applicant's request.
  - 4) Time frame. Failure of the Planning Commission to act within sixty (60) days from the date the application was filed, or within an extended period agreed upon with the applicant, shall be deemed a denial of the preliminary development plan. With the concurrence of the applicant, the Planning Commission may take such additional time as may be necessary to further study the preliminary development plan and consider modifications thereto.
  - 5) Extent of preliminary approval. Approval of the preliminary development plan shall be an approval of the design features of the plan only, and the City Engineer, the ~~Zoning Administrator~~ **City Planner**, or any other official having jurisdiction, may modify the engineering or construction details as may be necessary for the protection of the public health, safety, and welfare. Preliminary approval of any development plan shall be valid for one calendar year from the date of such approval, unless the Commission extends such time limit. The approval of the preliminary development plan, and any special conditions attached thereto, shall be documented in the minutes of the Planning Commission, on an appropriate City form that shows the signature (dated) of the officials and/or commissions that provided review for the Planning Commission; and on the velum of the plan. The Chairperson of the Planning Commission and/or the Planning Commission Secretary shall sign such forms.
- (k) Submission of Final Development Plan. After approval by the Planning Commission of a preliminary development plan, the applicant may proceed with submission of a final development plan in accordance with the following requirements:
- 1) Conformity to approved preliminary development plan. The final development plan including architectural sketches shall conform, in all respects, to the approved or provisionally approved preliminary development plan, provided, however, that the Commission may authorize minor changes in the plan, ~~as specified in paragraph (i)(3)B. hereof.~~
  - 2) Starting of construction. The final development plan may include all or any reasonable part of the approved preliminary development plan, provided that no details of the final plan shall necessitate any revision of the preliminary plan. If a major revision of any portion of the preliminary development plan is required, a revised preliminary plan shall be ~~approved by the Commission~~ **required** prior to approval of the final plan.
  - 3) Application and guidance. The final development plan shall be filed in the ~~office of the Zoning Administrator~~ **Building Department** at which time advice and guidance will be given the applicant as to the processing of the application and plan review.
  - 4) Acceptance of application. After the applicant has conferred with the ~~Zoning Administrator~~ **City Planner** and has discussed the general details of the final development plan requirements, the plan may be formally accepted for review,

provided that such plan and all accompanying documents comply, in all respects, with the following criteria:

- A. Standards for the construction of streets, sidewalks, parking areas, utilities, and storm drainage are established in the Subdivision Regulations, except as may be modified in this Zoning Code **or by Planning Commission**. The Commission shall not approve a final development plan until the City Engineer has approved construction drawings, showing all required details.
  - B. Each final development plan shall include all items identified. These requirements shall establish the scale and medium of drawings; the topography; the location of existing buildings and parking areas; the extent and scope of wooded areas; the exact location of new buildings, parking areas, recreation areas, and sidewalks; existing and proposed utility easements; and grading and landscape plans, and final architectural sketches.
- 5) Referral. Upon receipt of a complete application, the ~~Zoning Administrator~~ **City Planner** shall place it on the agenda of the next regular Planning Commission meeting that is more than ten days from the ~~Zoning Administrator's receipt of the complete application by the Building Department~~. The filing date of the application shall be the date of the meeting **the application is determined to be complete**.
- 6) Administrative review. As appropriate, the application shall be submitted to the necessary administrative departments, including, but not limited to:
- A. The Law Director, to review any proposed homeowner's association documents for proper form and legality;
  - B. The City Engineer, to review the development and construction plans; and
  - C. The City Planner.
- 7) ~~Architectural Board of Review~~. ~~The Architectural Board of Review shall review each final development plan and make a recommendation to the Planning Commission.~~
- 8) Planning Commission review. ~~The Zoning Administrator shall submit his or her review and recommendations to the Commission. The Commission shall review the final development plan, and all pertinent comments thereon, to determine whether or not such plan:~~
- A. Meets the requirements and criteria of this Planning and Zoning Code and any other applicable City ordinance;
  - B. Represents a detailed and precise expansion of the preliminary development plan, as previously approved; and
  - C. Complies with all conditions which may have been imposed at the time of the approval of the preliminary development plan.
- 9) Decision on application. If it is found that the final development plan complies in all respects to this section, the Commission shall approve such final development plan. The Chairperson of the Commission shall affix his or her signature and the date of the adoption of such plan to the plan document, attesting to such approval. The approval of the final development plan shall be documented in the following three places: in the minutes of the Commission; on an appropriate City form that shows the signature (dated) of the officials and/or commissions that provided review and

approvals for the Commission; and on the veltum of the plan, if appropriate. The Chairperson of the Commission and/or the Commission Secretary shall sign such forms.

(kl) Performance and Maintenance Bonds. The developer shall post a performance and maintenance bond(s) for the site development portion of a project. ~~The form of the bond(s) shall be as approved by the Law Director.~~ The amount and terms of such bond(s) shall be as specified by the City Engineer.

(lm) Combined Preliminary and Final Development Plans. An applicant may request a waiver of the preliminary development plan. If, in the opinion of the Planning Commission, such a waiver would not affect the efficient processing of such plan, it may approve such request. The single final development plan, however, is subject to all requirements and review procedures set forth in this section ~~for both preliminary and final development plans.~~

(mn) Certificate Issued. Upon approval of the final development plan by the Planning Commission, the ~~Zoning Administrator~~ **Building Department** shall issue a certificate of zoning compliance.

(no) Significance of an Approved Final Development Plan. An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the zoning certificate.

(op) Final Development Plan Revisions. Any changes in an approved final development plan shall be resubmitted for approval in accordance with this section. Any departure from such plan shall be cause for revocation of the zoning certificate.

(pq) Lapse of Approval. An approved final development plan shall remain valid for a period of ~~twelve~~ **twenty-four (24)** months following the date of its approval or for a period so specified by the Planning Commission. If at the end of that time construction has not begun, then such plan shall be considered as having lapsed and shall be of no effect unless resubmitted and reapproved by the Planning Commission. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

#### **1232.065 AMENDMENT OF DEVELOPMENT AGREEMENTS.**

No development agreement or other agreement between the developer and the City, that is made a condition of development approval by the Planning Commission, shall be substantially amended without additional hearings and public notice like those required for the consideration and approval of the original agreement.

**DELETE SECTION 1272.04(E) SIGNS PERMITTED IN MIXED-USE PLANNED DEVELOPMENT (MUPD) DISTRICT IN ITS ENTIRETY.**



#### **1444.04 DUTIES AND POWERS.**

The Olmsted Falls Architectural Board of Review shall have the following duties and powers:

(a) The Board shall have the specific power to grant a certificate of appropriateness as required by Section [1444.05\(a\)](#).

(b) The Board shall prepare and adopt design guidelines for:

(1) New construction and exterior alterations to any non-historic buildings, landmarks or structures, requiring review as per this chapter.

(2) New construction and exterior alterations both to Designated Historic Buildings, Landmarks and Structures and to buildings, landmarks or structures within an Historic District, requiring review as per this chapter. These guidelines, and any subsequent revisions to these guidelines, shall be submitted for review and comment to the Planning Commission and the Building, Housing and Zoning Administrator and, in the case of historic structures and districts, to the Ohio Historic Preservation Office. Once established, the design guidelines shall be distributed by the Building, Housing and Zoning Administrator to all parties applying for building permits.

(c) The Board shall review and make recommendations to the Planning Commission on preliminary plats for major residential subdivisions required under Section [1224.05](#), ~~and all development plans required under Section [1232.06\(a\)](#), including but not limited to new PRD'S and MUPD'S, new professional, commercial and industrial developments, and conditional uses.~~ Said plats and development plans are to be reviewed regardless of whether the properties are outside or within historic districts. The Planning Commission shall refer such matters to the Board for review and the Board shall make its recommendations, along with a written report, to the Planning Commission within thirty days. ~~[NOTE: ABR shall make the final determination(s) regarding landscaping as authorized in Section [1232.06\(f\)\(2\)](#).]~~ If disapproving an action, the Board shall state changes that might make the project acceptable. Failure of the Board to act within thirty days shall constitute approval of the plans.

(d) The Board shall review and approve all proposed signs in the Municipality pursuant to Chapter [1272](#), ~~but shall not review or approve signs in Mixed Use Traditional Neighborhood Districts.~~

(e) The Board shall prepare a comprehensive plan for the community that highlights historic areas and notes distinctive themes or patterns of development that are significant to the Municipality and that also chart a course for future preservation activities within the community. This plan shall be complementary to the City's overall Comprehensive Plan that has been approved by Council.

(f) The Board may recommend that City Council pursue the designation of any building, structure, landmark or site for inclusion on the Ohio Historic Inventory.

(g) The Board shall have the power to recommend the creation, alteration or expansion of Historic Districts to the Planning Commission and then to Council according to the procedures set forth for such actions in Section [1262.03](#).

(h) The Board shall keep a list of Designated Historic Buildings, Landmarks, and Structures and Historic Districts and shall furnish such list to the City's Building, Housing and Zoning Administrator and make such list available to the public.

(i) The Board shall review all nominations to the National Register of Historic Places within the Municipality and shall seek to expand the National Register Program within



the community.

(j) The Board shall work to record landmarks located within the Municipality through the Ohio Historic Inventory.

(k) The Board may seek to promote interest in preservation and to educate local citizens by holding workshops, seminars and other educational programs on historic preservation.

(l) The Board shall encourage its members to attend workshops, seminars and other educational programs on historic preservation.

(m) The Board shall recommend to the Planning Commission and then to Council restrictions on uses within Historic Districts which might otherwise be permitted by the underlying zoning district.

(n) The Board shall make known that its advice is available to owners or occupants, especially in business areas, on matters such as painting or exterior decoration, to ensure the enhancement of appropriate character or quality in the area concerned.

(o) The Board shall act in an advisory capacity to any official, board, commission or resident of the Municipality upon request.

(p) The Board may recommend to Council the acceptance of grants, gifts and bequests for the benefit of the City and may further recommend to Council that the Municipality apply for such funds as may be available to advance its work.

(q) The Board may recommend to Council the employment of qualified consultants in the fields of architecture and historic preservation for advisory purposes within the limits of moneys appropriated by Council.

(r) The Board shall review and approve all exterior elevation plans relating to the construction or alteration of any commercial, industrial, multifamily, or public or semi-public structure, or any such property requiring a building permit.

(s) The Board may do, or perform, any other such acts that are necessary and proper to assist the Board in performing its duties under the terms of this chapter.