

**CHAPTER 1159  
Planned Developments**

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**CROSS REFERENCES**

Zoning appeals to housing projects - see Ohio R. C. 3735.44  
Administration - see P. & Z. Ch. 1125

**1159.01 TYPES OF PLANNED DEVELOPMENTS.**

Types of planned developments include PR (Planned Residential District), PMH (Planned Mobile Home Residential District), PC (Planned Commercial District), PI (Planned Industrial District). Use groupings within each district shall be governed by the requirements specified for each respective district described within Section 1159.09 through 1159.12. (Ord. 82-1. Passed 2-16-82.)

**1159.02 PURPOSES.**

(a) Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the actions of the Planning Commission.

(b) Planned development zoning is a privilege to be earned and not a right which can be claimed simply upon complying with all the standards established in this section. The Planning Commission and/or Council may require any reasonable condition or design consideration which will promote proper development of benefit to the community. It is not intended that the Commission and/or Council automatically grant the maximum use exceptions or density increase in the case of each planned development. The Commission and Council shall grant only such increase or latitude which is consistent with the benefit accruing to the Village as the result of the planned development. As a condition for approval, each planned development must be compatible with the character and objectives of the zoning district or districts within which it is located, and each planned development shall be consistent with the objectives of the Lewisburg Land Development Plan.

(c) Some specific purpose of the planned development procedure are:

- (1) To take advantage of advances in technology, architectural design, and functional land use design;
- (2) To recognize the problems of population density, distribution and circulation and to allow a deviation from rigid established patterns of land uses, but controlled by defined policies and objectives;
- (3) To produce a comprehensive development equal to or better than that resulting from traditional lot by lot land use development;
- (4) To permit flexibility of design in the placement, height, and uses of buildings and open spaces, circulation facilities and off-street parking areas, and to more efficiently utilize potentials of site, characterized by special features of geography, topography, size or shape.

(d) General Standards for Planned Development (See Sections 1159.09 through 1159.12 for specific standards for respective planned development districts.)

(e) The Planning Commission shall not approve a request for a Planned Development unless it shall, in each specific case, make specific findings of facts directly based upon the particular evidence presented to it, which supports conclusions that:

- (1) The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- (2) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development.
- (3) The development will not impose an undue burden on public services and facilities, such as utilities, fire, and police protection.
- (4) The Development Plan contains such proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonable as are required for the public health, safety and welfare.

- (5) The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Development not used for structures, parking and loading areas, or accessways, shall be landscaped or otherwise improved.
- (6) Natural features such as water courses, trees, and rock outcrops will be preserved, to the degree possible, so that they can be incorporated into the layout to enhance the overall design of the Planned Development.
- (7) The layout must be designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable building lots and to facilitate the provisions of proposed services.
- (8) In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer, unless waived by the Planning Commission because of the technical reasons.  
(Ord. 82-1. Passed 2-16-82.)

#### 1159.03 PROCEDURE FOR APPROVAL.

##### (a) Preapplication Conference.

- (1) Prior to filing a formal application for approval of a Planned Development, the developer shall request a preapplication conference with the Planning Commission.
- (2) The purpose of such conference is to allow the developer to present a general concept of his proposed development prior to the preparation of detailed plans. For this purpose the presentation shall include, but not be limited to, the following:
  - A. Written "letter of intent" from the developer establishing his intentions as to development of the land.
  - B. Topographic survey and location map.
  - C. Sketch plans and ideas regarding land use, dwelling type and density, street and lot arrangement, and tentative lot sizes.
  - D. Tentative proposals regarding water supply, sewage disposal, surface drainage, and street improvements.
- (3) The Planning Commission shall advise the developer of the zoning requirements and Village Plans which might affect the proposed development as well as the procedural steps for approval.

(b) Preliminary Plan. The Preliminary Plans of the Planned Development shall be filed with the Zoning Inspector, who shall in turn forward copies to the Planning Commission for consideration.

The required procedure for consideration and approval of the preliminary plan shall be:

- (1) Submission of the following:

- A. Written application for approval of a Planned Development shall be made on forms and in the manner prescribed by the Village.
  - B. The application shall be accompanied by a fee consistent with Section 1119.12.
- (2) The Planning Commission shall study material received and confer with other agencies of government as appropriate in the case to determine general acceptability of the proposal as submitted. In the course of such preliminary consideration, the Planning Commission may request and the applicant shall supply additional material needed to make specific determinations.
  - (3) Following such study, the Planning Commission or its staff shall hold a conference or conferences with the applicant to discuss desirable changes in the first or succeeding drafts of the preliminary development plan and report.
  - (4) Recommendations of the Planning Commission to the applicant shall be in writing, and following any such conference, agreements between the applicant and the Planning Commission as to changes in the preliminary plan and report or other matters to be recorded and acknowledged by the Planning Commission and the applicant. On items on which no agreement is reached, or there is specific disagreement, this fact shall be recorded, and the applicant may place in the record his reasons for any disagreement.
  - (5) When the preliminary development plan and report has been approved in principle (as a whole or with reservations specifically indicated) or when the applicant indicates in writing that no further negotiations with the Planning Commission are desired before proceeding, the Planning Commission shall schedule the proposed plan for a public hearing, following which it shall make its recommendations to Council. Such recommendations shall indicate approval, approval with specific reservations, or disapproval with reasons. With such recommendations, the Planning Commission shall transmit within sixty days the latest draft of the preliminary plan and report submitted by the applicant, a record of agreements reached, and matters on which there was no specific agreement, including any reasons recorded by the applicant for any such disagreement.
  - (6) Council shall schedule a public hearing for the preliminary plan and respective planned development zone designation after receiving the proposal from the Planning Commission. Within sixty days, Council shall approve the proposal, approve subject to conditions, or deny the proposal. If approved, the area of land marked shall be redesigned PR (Planned Residential District), PMH (Planned Mobile Home Residential District), PC (Planned Commercial District), or PI (Planned Industrial District), and shall be used only in accordance with the uses and densities shown on the Planned Development Preliminary Plan.

(c) Final Plan. The final Planned Development plan shall conform substantially to the preliminary plan. If desired by the developer, it may be submitted in stages with each stage reflecting a portion of the approved preliminary plan which is proposed to be recorded and developed; provided, however, that such portion conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:

- (1) The final plan and supporting data shall be filed with the Zoning Inspector who in turn forwards copies to the Planning Commission for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
- (2) After review of the final plan and supporting data, the Planning Commission shall approve or disapprove the plan within sixty days after submittal by the developer. Disapproval of the final plan shall include a clear statement of the reasons therefor.
- (3) The Planning Commission shall then forward the final plan together with their recommendations to Council. Council shall review the recommendations of the Planning Commission at the next regular meeting of Council, and shall approve, approve subject to conditions, or deny the final application.

(d) Recording of Final Development Plan.

- (1) After approval by Council of the final plan, the Zoning Inspector shall see that all requirements of Section 1159.14 have been complied with before the Final Development Plan is presented to the Preble County Recorder for recording.
- (2) The purpose of such recording is to designate with particularity the land subdivided into conventional lots as well as the dimension of other lands, not so treated, into common open areas and building areas, and to designate each building or structure, as well as the use of the land in general.
- (3) No Final Development Plan within the corporate limits of Lewisburg shall be so recorded unless it shall have the approval of Council inscribed thereon.

(e) Building Permit. No building permit shall be issued by the Building Inspector until the Final Development Plan has been approved and duly recorded and the Planning Commission has approved the detailed plans (described in Section 1159.14(c)).

(f) Utilities. The building official shall issue no certificate of occupancy until all utilities have been accepted by the Village in accordance with the Final Development Plan.  
(Ord. 82-1. Passed 2-16-82.)

**1159.04 CHANGES IN THE PLANNED DEVELOPMENT.**

A Planned Development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use or premises (including the interval use of buildings and structures) and location of structures in the Planned Development as set forth therein.

(a) **Major Changes.** Changes which alter the concept or intent of the Planned Development including increases in the number of units per acre, change in location or amount of non-residential land uses, more than fifteen percent (15%) modification in proportion of housing types, significant redesign of roadways, utilities or drainage, may be approved only by submission of a new preliminary plan and supporting data, and following the "preliminary approval" steps and subsequent amendment of the final Planned Development Plan.

(b) **Minor Changes.** The Zoning Inspector, upon notifying the Planning Commission, may jointly approve minor changes in the Planned Development which do not change the concept or intent of the development, without going through the "preliminary approval" steps. Minor changes are defined as any change not defined as a major change.  
(Ord. 82-1. Passed 2-16-82.)

#### **1159.05 SCHEDULE OF CONSTRUCTION.**

The Planning Commission shall consider the planned development subject to revocation if construction falls more than one year behind the schedule filed with the final plan.  
(Ord. 82-1. Passed 2-16-82.)

#### **1159.06 EFFECT OF DENIAL OF A PLANNED DEVELOPMENT.**

No application for a planned development, which has been denied wholly or in part by the Planning Commission and Council shall be resubmitted for a period of one year from the date of such order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission and Council.  
(Ord. 82-1. Passed 2-16-82.)

#### **1159.07 REVOCATION.**

In any case where a planned development has not been established (substantially under way) within one year from the date of granting thereof, then, without further action by the Planning Commission, the planned development authorization thereof shall be null and void.  
(Ord. 82-1. Passed 2-16-82.)

#### **1159.08 VIOLATIONS.**

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined as specified in Section 1119.99.  
(Ord. 82-1. Passed 2-16-82.)

**1159.09 PLANNED RESIDENTIAL DEVELOPMENT.**

(a) Policies Underlying Use of Zone. This district is intended to provide a good deal of flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for an entire area. Within this district, appropriate and reasonable population density is maintained while a variety of dwelling unit types is permitted. Natural features such as topography, trees and drainage ways are encouraged to remain in their natural state to the degree possible. Such developments are generally characterized by a significant proportion of usable open space, and a unified design concept with particular attention devoted to the periphery of the development, with the objective being the compatibility of the development with its surroundings.

(b) Permitted Uses.

- (1) Those uses included as permitted and accessory uses in R-1 through R-3 Residential Districts developed in a unified manner in accordance with the approved development plan.
- (2) Convenience establishments as accessory uses which have been established as necessary for the proper development of the community and to be so located, designated and operated to serve primarily the needs of the persons within the Planned Development if specifically approved as part of the Planned Development Plan. Uses shall be generally limited to those uses permitted in the NB District, with no direct access or advertising signs for such uses to be visible from the exterior of the development.
- (3) Such convenience establishments and their parking areas shall not occupy more than five percent (5%) of the total area of the development.
- (4) No separate building or structure designed or intended to be used, in whole or part, for business purposes within a Residential Planned Development shall be constructed prior to the construction of not less than thirty percent (30%) of the dwelling units proposed in the development plan.

(c) Area Requirements. The minimum land area required for a Planned Residential Development shall be five acres. This area requirement may be varied at the discretion of the Planning Commission and Council if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

(d) Density Requirements. Any combination or cluster of housing units is permitted, provided that the average lot area per family or dwelling unit contained in the site, exclusive of the area of street rights-of-way, parking areas and commercial area, will not be less than eighty percent (80%) of the lot area per family required in the district in which the site is located. This density requirement may be varied at the discretion of the Planning Commission and Council if it can be demonstrated that a variance is necessary to achieve an improved site design and that surrounding neighborhoods and public facilities will not be adversely affected.

(e) Site Design.

- (1) All housing shall be sited to preserve privacy and to ensure natural light.
- (2) Lot widths may be varied to permit a variety of structural designs. It is also recommended that setbacks be varied.
- (3) Every housing unit should be situated to abut upon common open space or similar areas. A clustering of dwellings is encouraged.

(f) Structure Spacing. A minimum of fifteen feet shall be maintained between principal structures.

(g) Length. There shall be no continuous structure of town houses, attached dwellings or apartments containing more than twelve dwelling units side by side.

(h) Height. The height of any residential structure within a planned unit development shall not exceed thirty five feet, unless it can be demonstrated that an additional height is required with provisions of suitable open space to protect adjacent structures from adverse reduction of light and air.

(i) Set Back and Screening. A set back of fifty feet shall be provided along the entire perimeter of the development and retained in natural woods, or be suitably landscaped with grass and/or ground cover, shrubs and trees. Projects located adjacent to Commercial or Industrially zoned areas shall provide screening facilities comprising landscaping, walls or both which will provide suitable protection to the residential development as adjudged by the Planning Commission and Village Council. Screening facilities shall not obscure traffic visibility within fifty feet of an intersection.

(j) Common Open Space. A minimum of twenty five percent (25%) of the land in any planned residential development shall be reserved for permanent common open space and recreational facilities for the residents or users of the area being developed. Only areas having minimum dimensions of fifty feet by 100 feet shall qualify for computation as usable open spaces.

(k) Parking Requirements. See Chapter 1183 for required spaces and design criteria.

(l) Signs. See Chapter 1187 for size and location of permitted signs.  
(Ord. 82-1. Passed 2-16-82.)

**1159.10 PLANNED MANUFACTURED HOME RESIDENTIAL DISTRICT.**

(a) Policies Underlying Use of Zone. This district is intended to permit the development of Manufactured Home Parks in association with other residential development types while maintaining a reasonable population density and by providing for the unique requirements for this type of development. The provisions of this district are established to assure that the site design and arrangement in relation to other areas together with the provisions of associated facilities result in an attractive, orderly and efficient residential environment of sustained desirability in harmony with adjacent areas.

(b) Permitted Uses.

(1) Manufactured home parks.

- A. Manufactured home (not self-propelled vehicles).
- B. Modular or sectional homes.

(c) Accessory Use.

- (1) Coin-operated laundry, laundry and dry cleaning pick-up stations for use of tenants only. No external sign of any nature whatsoever shall be permitted.
- (2) Other accessory uses, buildings or structures customarily incidental to the aforesaid use.
- (3) On-site manufactured home sales. The sales of manufactured homes within a manufactured home park or subdivision shall be a conditional use having a one year duration. Such use shall be reviewed at the end of the first year for possible extension for an additional year, in total representing a maximum two year duration. Such sales areas shall be well screened from the residential section of the park or subdivision and shall be located at the periphery of the site. All signs used for advertising shall be unobtrusive to the surrounding property.
- (4) Neighborhood commercial facilities. In manufactured home parks of fifty acres or more, neighborhood commercial facilities such as markets, barbers, beauty shops, doctor's office, etc. may be planned in conjunction with a manufactured home park but may not be physically occupied until the park is seventy-five percent (75%) occupied by residents.

(d) Minimum Floor Area. Individual manufactured homes located within the PMH district shall have a minimum floor area of 1000 square feet.

(e) Area Requirements. Each manufactured home park shall have a minimum gross site area of ten acres.

(f) Density Requirements. Gross density for a manufactured home park shall not exceed six dwelling units per acre.

(g) Utilities.

- (1) Public utilities. Each manufactured home park shall be served by public water and sewer systems.

- (2) **Underground Utilities.** In each manufactured home park all wires, cables, and lines providing telecommunication, including cable television, and electric utility services and connections of such utility systems to buildings and light poles in such parks, shall be located underground.
- (3) Manufactured home parks shall meet the requirements of the Ohio Sanitary Code adopted by the Public Health Council under the authority of Ohio R. C. 3733.20.

(h) **Streets and Pedestrian Ways.**

- (1) **Access.** Each manufactured home park shall have direct access to a principal county, township, city, or state highway or arterial street or road.

- (2) **Streets.**

- A. **Alignment.** Streets should be adapted to the topography and should have suitable alignment and gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.
- B. **Flexible pavement.** The required base should be a minimum of eight inches thick and composed of crushed stone, gravel, or other appropriate durable material compacted to the practical maximum density. The wearing surface should be bituminous concrete a minimum of one and one-half inches thick compacted to the maximum practical density.
- C. **Rigid pavement.** Where Portland cement concrete is used, it should not be less than five inches thick on a prepared sub-grade constructed in accordance with accepted practices, with expansion joints where driveways and walks abut each other or the curb.
- D. **Width.** The minimum pavement width of interior one way streets with parking permitted on one side shall be twenty feet. The minimum pavement width of two way streets with parking permitted on one side shall be thirty feet. The minimum width of two way streets without parking permitted shall be twenty-four feet.

(i) **Landscaping.** In all manufactured home parks, the following landscaped provisions shall apply:

- (1) Along each property line, and within the fifty foot setback area, there shall be provided screen fencing, landscape planting or a landscape berm or a combination thereof which shall be so designed or planted as to be twenty five percent (25%) or more opaque when viewed horizontally between two feet and eight feet above average ground level.
- (2) Trees of at least one inch caliper shall be installed on both sides of all streets within the manufactured home park at a spacing of fifty feet between trees.

(j) Setback Requirements. The following setback requirements for all manufactured homes located in a manufactured home park shall apply:

- (1) From all perimeter lot lines: 50 feet.
- (2) From any manufactured home located in the manufactured home park: 18 feet.
- (3) From any community building: 50 feet.
- (4) From any public or private street located within the park: 18 feet.

(k) Required Open Space. A minimum of ten percent (10%) of the gross site area shall be set aside and reserved for usable open space. Such open space shall be in one or more parcels, not less than one acre each. The minimum dimension of such open space shall be 200 feet in any direction. For the purposes of this section, "Usable Open Space" means parks, common open areas, and areas containing a combination of community service buildings (clubhouses, swimming pools, etc.) and outdoor recreation areas.

(l) Parking Requirements. Two paved, off-street parking spaces having a minimum area of 200 square feet shall be provided for each manufactured home site. Such parking space shall be located either on the manufactured home site, behind the front setback area, or in a common parking area within the manufactured home park.

(m) Signs. Signs within the manufactured home development shall be limited to a name plate attached to each manufactured home, which is no larger than one square foot, directional signs indicating the location of utility buildings, including management office, parking areas and common recreation areas, and traffic control signs.

(n) Miscellaneous Requirements.

- (1) Lighting. Appropriate lighting shall be provided along all interior roadways, and walkways. All lights shall be so positioned and shaded to avoid a glare on adjoining properties.
- (2) Drainage. Each manufactured home space shall be so constructed to provide adequate storm water drainage from ramps, patios, and all walls and foundations of the manufactured home to the roadway.
- (3) Fuel supply. Where fuel is stored in outdoor storage tanks, they shall be supported by a concrete base and screened from view of surrounding manufactured home spaces and the street.
- (4) Enclosed undercarriage. All manufactured homes located in manufactured home parks shall be enclosed from the bottom of the structure to the ground.
- (5) Refuse containers. All refuse containers shall be screened from view of surroundings manufactured home spaces and the street.  
(Ord. 1996-22. Passed 12-26-96.)

**1159.11 PLANNED COMMERCIAL DISTRICT.**

(a) Policies Underlying Use of Zone. This district is provided in recognition that many commercial establishments seek to develop within unified commercial areas, usually under single ownership and control, and typically called "shopping centers". Within the premises of the zone, such centers would have all necessary services and facilities comprehensively provided in accordance with an approved development plan. Provisions of this zone are formulated to achieve harmoniously designed structures upon a well landscaped site, achieving a high degree of pedestrian-vehicular separation, all of which would be compatible with surrounding land uses.

(b) Permitted Use. Those uses included as permitted and accessory uses in OR, NB, HS, and CBD Business Districts.

(c) Arrangement of Commercial Uses.

- (1) Commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.
- (2) The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments.

(d) Area Requirements. The minimum land area for a Planned Commercial Development shall be two acres.

(e) Structure Spacing. A minimum of twenty feet shall be required between adjacent principal buildings.

(f) Setback and Screening.

- (1) A setback of fifty feet shall be provided along the entire perimeter of the development, except where it adjoins a Business or Industrial District in which case setback and screening requirements shall be at the discretion of the Planning Commission. Where situated adjacent to a residentially zoned area, a minimum of twenty feet along the exterior property line shall be planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting. Screening facilities shall not obscure traffic visibility within fifty feet of an intersection.
- (2) Vehicular access through such landscaped strip when adjacent to residential areas shall be permitted only for convenience of residents of adjoining residential areas, and not for use by the general public.