

Exhibit A

Proposed Changes for Public Hearing December 16, 2009

**CHAPTER 1203
DEFINITIONS**

Section 1203.03 (page 18)

Planned Development: An area of land in which a variety of harmonious uses is designed through plans agreed upon between the developer(s) and the City of a minimum number of contiguous or noncontiguous size, planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, industrial, office, residential uses or a combination of such uses, with appurtenant common areas and accessory uses, customary and incidental to the predominant uses. Planned Development incorporates more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedures for approval of such development contain requirements in addition of those of the standard subdivision, such as building design principles, and landscaping plans.

Exhibit B

Proposed Changes for Public Hearing December 16, 2009

CHAPTER 1255
Planned Development Districts

<p>1255.01 Purpose.</p> <p>1255.02 Planned District Related Definitions</p> <p>1255.03 Provisions governing Planned Development Districts.</p> <p>1255.04 Conflict and interpretation.</p> <p>1255.05 Relationship to City of Pataskala Subdivision Regulations.</p> <p>1255.06 Project ownership.</p> <p>1255.07 Establishment of New District</p> <p>1255.08 Permitted uses/conditional uses.</p> <p>1255.09 Minimum project area.</p> <p>1255.10 Development standards.</p> <p>1255.11 Procedures</p> <p>1255.12 Pre-application meeting.</p> <p>1255.13 Zoning Amendment Request</p> <p>1255.14 Final Development Plan</p> <p>1255.15 Planned District Application Contents.</p> <p>1255.16 Contents Concept Plan/ Pre-Application Meeting</p>	<p>1255.17 Contents of Zoning Amendment Application with Preliminary Development Plan</p> <p>1255.18 Contents Final Development Plan</p> <p>1255.19 Criteria for Approval- Preliminary Plan</p> <p>1255.20 Criteria for Approval Final Development Plan</p> <p>1255.21 Supplementary conditions and safeguards.</p>
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CROSS REFERENCES

Planned development defined - see P. & Z. 1203.03

Home occupations - see P. & Z. Ch. 1267

Conditional uses- see P.& Z. Ch. 1215.10

1255.01 PURPOSE.

Planned Development Districts shall include residential, industrial, retail, service, and commercial, uses: or a combination of such uses, with appurtenant common areas and accessory uses, customary and incidental to the predominant uses, such as: Planned Residential Development (PRD), Planned Industrial Districts (PID), Planned Commercial Districts (PCD) and Planned Mixed Use Districts (PMD), to promote the progressive development of land and construction thereon; further the purpose of the Planned Development District regulations are to:

- Provide for maximum choice of living environments by allowing a variety of housing and building types and permitting dwelling-unit density per acre and lot dimensions, yards, building setbacks, and area requirements which are defined in an individual set of development and operations standards, agreed on by the developer(s) and the City.
- Provide for supporting community facilities and allowing a mix of land uses otherwise not permitted within the standard municipal zoning classifications.
- Provide a more useful pattern of open space and recreation areas, more convenience in the location of accessory commercial and industrial uses and services, and reducing automotive traffic congestion.
- Provide a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns using sound landscape architecture and engineering practices.
- Provide for more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.
- Provide a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the comprehensive plan.
- Provide unified developments that utilize creativity in planning and design that may not be achieved through standard zoning districts or subdivision regulations, but maintain consistency with all applicable community plans, including but not limited to the Comprehensive Plan.
- Provide for imaginative architectural design, and flexibility in building styles and types.

The City also is prepared to consider a greater population density through density bonuses in undeveloped areas than reflected by present zoning, provided the developer can demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of the development.

1255.02 PLANNED DISTRICT RELATED DEFINITIONS

- A. Planned Development District (PDD): A PDD (includes PRD, PCD & PID designations) means an area of land in which a variety of housing types and/or commercial facilities may be accommodated in a pre-planned environment under more flexible standards than those

restrictions that would normally apply under this Zoning Code.

- B. Subarea. A subarea is a distinct area of land within a PDD. Each Subarea shall designate acreage, land use, development standards, architectural standards, landscape standards, thoroughfare Subarea standards, conceptual road alignments, gross density and such other standards as may be required by the Planning and Zoning Commission and Council.
(Ord. 2002-3434. Passed 5-6-02.)
- C. Master Site Plans. A master site plan is a preliminary development plan for a large scale Planned Development with greater complexity than smaller developments. A master plan is more likely to contain mixtures of many uses; to also reserve land for community facilities and services like churches, schools, emergency services, and government buildings; to provide for layouts of new transportation corridors, not just local circulator streets for the development. A master planned community could almost function as a fully contained, self-sufficient community.
- D. Preliminary Development Plan. A predevelopment plan is the first required submission to the Planning and Zoning Commission for rezoning to a Planned Development and must contain the elements specified in Section 1255.17. It will contain a basic plan for the entire area to be rezoned and contain sufficient detail to convey the character and intensity of use of the proposed development.
- E. Final Development Plan. A final development plan is prepared after the successful rezoning of a property to a Planned Development. It shall contain detailed engineering specifications pursuant to the results of all required technical studies such as, but not limited to, traffic, environmental conditions and storm water management, and shall show in sufficient detail how issues illuminated by the technical studies have been addressed and mitigated if necessary. The final development plan shall demonstrate all required changes agreed to during the rezoning process. The final development plan submission is submitted prior to the development of each phase of development, as phasing was shown in the preliminary plan or master site plan. The final development plan shall contain the required elements specified in Section 1255.18.

1255.03 PROVISIONS GOVERNING PLANNED DEVELOPMENT DISTRICTS.

- A. In accordance with Section 1201.03, this chapter is declared to be the minimum requirements applicable to Planned Development Districts in any interpretation and promotion of the public health, safety and general welfare of the community.
- B. Each Planned Development District shall be considered a separate and unique zoning district wherein a preliminary development plan, including associated text depicting the specific development standards, is adopted simultaneously with the amendment of the zoning map to apply the Planned District designation. The preliminary development plan shall apply only to the property within that particular Planned Development District. The minimum requirements and the special standards described in the Planned Development Text shall be the applicable standards

regarding the layout, uses, and development of the Planned Development District. The Planned Development Text shall become a part of the permanent record of development and maintained in the Planning and Zoning Department.

- C. Existing Planned Development Districts:
1. Planned Development Districts and all associated development plans and supporting documentation adopted prior to the effective date of these Planned Development District regulations shall continue in effect and be considered legally conforming under this code subject to the provisions of 1255.13, part 13.
 2. Developers of Planned Development Districts and all associated development plans and supporting documentation adopted, but with construction incomplete, prior to the effective date of these Planned Development District regulations, at their option may elect to modify their development plans consistently with these regulations which were passed subsequently to their approvals, and shall be reviewed according to the procedures for the changes to a preliminary development plan, or a final development plan, as appropriate, and now set forth in Section 1255.14, 1255.18 and 1255.20.
- D. Terms: For the purposes of this Planned Development code, plans including all supporting documentation adopted at the time of Planned Development rezoning shall be referred to as *preliminary development plans, or master site plans for large complex communities*, and plans including all supporting documentation approved subsequent to such rezoning shall be referred to as *final development plans*.
- E. Changes to Preliminary Development Plans: A change to an adopted preliminary development plan shall be considered to be a zoning amendment and shall be reviewed according to the procedures set forth in Section 1255.13.
- F. Final Development Plans for Planned Districts already in progress:
1. A final development plan shall be required for each phase of development in a Planned Development District. If the construction drawings for a particular phase have already been approved as of the effective date of this subchapter, the completion and submission of a final plat in accordance with Chapter 1113, Subdivision Regulations shall complete that portion of the project.
 2. An application for review of a final development plan for a Planned development District established prior to the effective date of these Planned Development District regulations shall follow the procedural steps set forth in these: Section 1255.11, shall include the submission requirements set forth in Section 1255.18, and shall be evaluated according to the plan approval criteria set forth in Section 1255.20.
 3. Final subdivision plats. Applications for final subdivision plats for phases of Planned Development Districts that are yet to be approved or for changes to previously approved plats shall be reviewed according to the subdivision review procedures in Chapter 1113.

1255.04 CONFLICT AND INTERPRETATION.

Because of special characteristics of Planned Development Districts, special provisions governing the development of land for this purpose are required. Whenever there is conflict or difference between the provisions of this chapter and those of the other chapters of this Code, the provisions of this chapter shall govern. The Planned Development District regulations assist in accomplishing its stated purposes by establishing review steps that combine the request for a zoning with the development plan review process and where applicable the subdivision process. Subsequent plan review following the zoning amendment also requires simultaneous review of subdivision plats for the project.

1255.05 RELATIONSHIP TO CITY OF PATASKALA SUBDIVISION REGULATIONS.

The provisions of the City of Pataskala Zoning Code are in addition to any requirements, procedures and regulations as contained in the City Subdivision Regulations. Nothing in these regulations shall be interpreted as nullifying or superseding the subdivision platting requirements as defined in Ohio R.C. 711.001, and as further defined, administered and regulated in the City Subdivision Regulations.

1255.06 PROJECT OWNERSHIP.

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations so that all property owners are applicants. Such ownership may be by a public or private corporation. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A preliminary development plan approved in accordance with these or previous regulations for a Planned Development District shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance.

1255.07 ESTABLISHMENT OF A NEW PLANNED DEVELOPMENT DISTRICT.

Planned Development Districts adopted after the effective date of these regulations shall be established according to the following:

- A. All rezoning to a Planned Development District shall be designated as a Planned Development District (PDD).
- B. The owner must make a written application to rezone the land to a Planned Development District.
- C. The preliminary development plan shall be reviewed by the Planning and Zoning Commission, followed by the City Council, according to Section 1255.11 and 1255.13 and the preliminary development plan and supporting documentation shall be adopted at the time of rezoning.
- D. Detailed final development plans shall be reviewed and acted upon by the Planning and Zoning Commission according to Sections 1255.14, 1255.18, and 1255.20.

1255.08 PERMITTED USES/CONDITIONAL USES.

- A. PRD: Planned Residential Development.
Planned Residential Districts- All permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses are confined to subareas of the development, shall be

described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Residential Districts shall have a minimum of 60% of developable area devoted to residential uses.

- B. PCD: Planned Commercial Districts.
Planned Commercial Districts shall include permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses are confined to subareas of the development, as described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Commercial Districts shall have a minimum of 60% of developable area devoted to commercial, retail and service uses.

- C. PID: Planned Industrial Districts.
Planned Industrial Districts shall include permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses are confined to subareas of the development, as described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Industrial Districts shall have a minimum of 60% of developable area devoted to industrial uses.

- D. PMD: Planned Mixed Use Districts.
All permitted, conditional, accessory, incidental and common area uses for the development, including whether or not those uses that may be confined to subareas of the development, shall be described and listed in the development text. Subareas shall be shown on the submitted Development Plan Drawings. Planned Mixed Use Districts shall have a maximum of 50% of developable area devoted to any given use.

1255.09 MINIMUM PROJECT AREA.

There shall be no minimum size subject to the Planning and Zoning Commission's approval and assessment of project feasibility and appropriateness.

1255.10 DEVELOPMENT STANDARDS.

- A. Density.
 - 1. Tracts of land shall have the same applicable gross density of dwellings per acre, as prescribed by the base zoning classification(s) associated with the property prior to rezoning to a Planned Development.
 - 2. Density bonuses may be approved by the Planning and Zoning Commission according to an adopted Density Bonus Policy, which from time to time may be revised as appropriate. Density bonuses may be awarded to compensate the developer for the additional costs associated with the provision of important or needed community amenities, which might include but not be limited to: additional open space, donations of land or assets to the public schools, donations of land or assets for community facilities, public art, recreational equipment, enhanced landscaping, use of energy saving, pollution reduction or waste reduction in planning and construction of the development.

- B. Common Open Space.
 - 1. Area Required: A minimum of 35%, depending upon type of feature

being preserved, of the land developed in any Planned Development District project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. No acreage associated with PDD property perimeter setbacks may be counted toward the open space requirement. No more than 10% of the open space requirement may be comprised of acreage designed for use by storm water detention, storm water retention or storm water quality structures.

2. Disposition of Open Space: The required amount of common open space land reserved under Planned Development Districts may be held in joint ownership by owners of the project; be dedicated to the City, public school district(s), or other taxing authority, and retained as common and public open space for parks, recreation, and related uses. All land dedicated to the City, or school district(s) must meet the Planning and Zoning Commission's requirements as to size, shape and location. Public utility and similar easements and rights of way for watercourses and private deed restricted open space (yards) may be acceptable for common open space unless such land or right-of-way is not usable as trail or other similar purpose as approved by the Planning and Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer in the Development Text before approval of the final development plan. The Development Text shall also include exit strategies, or "Plan B" strategies for maintenance, in the event of business failure of the designated maintenance agency, or in the event of non-performance of the designated maintenance agency.
- C. Arrangement of Residential Lots to Abut Upon Common Open Space in PDD's - A minimum of 50% of dwellings in PDD's shall have direct access to or abut common open space. A clustering of dwellings is encouraged.
- D. Arrangement of Commercial Uses. In Planned Commercial Districts, 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. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.
- E. Arrangement of Industrial Uses.
1. In a Planned Industrial District, industrial uses shall be developed utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or docks, and/or outdoor storage of raw materials or products. A Planned Industrial District shall provide for the harmony of buildings and a compact grouping in order to economize in the provision of such utility services as the area requires. Use of thoroughfares shall be kept to a minimum throughout a Planned Industrial District in order to reduce through traffic.
 2. Side yards must have a minimum of 50 feet and a rear yard of 100 feet shall be required if the project is located adjacent to any residential uses (on the side that abuts the residential use). All intervening spaces between the right-of-way line and project building line and intervening spaces between buildings, drives, parking areas, and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

3. Industrial areas adjacent to residential areas shall be separated by dense plantings and decorative fencing of at least 7 feet in height.
- F. Utility Requirements. New utilities, including telephone, electrical systems, and central water and sewer systems, are required to be constructed underground within the limits of the Planned Development District. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Planning and Zoning Commission approves. The responsibility for the maintenance of all utility easements shall be specified by the developer, through submission of proposed agreements, contracts, operating plans and other such documents as may be required, before approval of the final development plan.
- G. Minimum Lot Sizes.
1. The minimum lot area per dwelling unit shall be provided by the developer in the “development text” subject to provision of sufficient evidence to the Planning and Zoning Commission and the City Council that the overall development demonstrates appropriateness in design by properly considering: significant and meaningful open space, significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development. Attractive landscape buffers shall be provided between incompatible land use and activities.
 2. Lot widths shall be varied to allow for a variety of structural designs. Setbacks proposed shall be appropriate to the development and its surroundings as approved at the discretion of the Planning and Zoning Commission. Minimum side yards between structures shall be sufficient for adequate access by emergency vehicles, no less than 16 feet between buildings.
- H. Height Requirements. Building heights over 35 feet shall require increased yard depths in the district, such that,
1. Each additional foot in building height over 35 feet, shall require the addition of one foot to the minimum side yard between buildings
 2. Buildings over 35 feet shall have a minimum rear yard, exclusive of paving and parking lots, equaling the height of the building, subject to requirements for maximum impervious surfaces in part I, below.
- I. Maximum Impervious Surfaces:
1. For each area proposed for residential uses in the development, the amount of impervious surface coverage must not exceed 50% of each residential area
 2. For areas proposed for commercial, office, or uses mixed in vertical arrangement, in the development, the amount of impervious surface coverage must not exceed 80% of each such area:
 3. For all areas proposed or industrial uses in the development, the amount of impervious surface coverage must not exceed 85% of total industrial area and at least 5% of the lot area, exclusive of parking areas and public rights-of-way shall be devoted to yard space, or pedestrian space.

4. Impervious surfaces include but are not limited to, parking areas, loading areas, and rooftops. (Ord. 2002-3434. Passed 5-6-02.). Use of pervious concrete, pavers and other pervious surfaces in parking areas, sidewalks and plazas are encouraged and may be applied as a proportional offset to meet the total area of pervious cover requirement up to 30%. Additional pervious surfaces may be approved by the Planning and Zoning Commission as a basis for density bonuses as deemed appropriate. Thus use of pervious surfaces in 25% of total area of parking, sidewalks and plazas, may be used to reduce by 25% the required pervious areas defined in paragraphs 1,2 or 3 above, but in no case shall reduce the 5% yard or pedestrian space required in paragraph 3 above.
- J. Parking. Off-street parking, loading, and service areas shall be adequate to serve the needs of the development. Parking lots shall have vegetative or decorative fencing screens of 30” tall between the lot and the street. Parking areas serving non-residential areas shall provide 100% opaque screens of minimum 7 feet in height if abutting residential areas, other residential zones or uses. However, off-street parking and loading areas shall not be permitted within 25 feet of any residential area, except those serving multifamily areas within the development.
 - K. Trash handling areas for all non-residential and multifamily use shall be set on paved pads and enclosed by masonry walls on three sides, with lockable 100% opaque gates.

1255.11 PROCEDURE

- A. The owner(s) or Lessee(s) of a tract of land may make application to amend the Zoning District Map to include the tract in the Planned Development District in accordance with the provisions of Chapters 1217 and 1255.
- B. The process in a PDD shall consist of:
 1. Pre-Application meeting
 2. Rezoning Application which includes the Preliminary Development Plan (or a Master Site Plan for large developments of 100 acres or more).
 3. Final Development Plan which shall consist of detailed development and engineering plans for a subarea or portion of a subarea.
 4. The contents of each stage of the PDD process are put forth in Section 1255.15, 1255.16, 1255.17 and 1255.18.
- C. Plat required. Any proposed planned development that includes the subdivision of land shall be subject to the requirements of the plat approval process in accordance with Chapter 1113, Subdivision Regulations. The preliminary plat approval and preliminary plan approval may proceed simultaneously. Final plat approval and final development plan approval shall proceed simultaneously, unless a final plat has already been approved, or is not required.

1255.12 PRE-APPLICATION MEETING.

A developer shall meet with Planning and Zoning Department staff prior to the submission of the Application for Zoning Amendment and Preliminary Plan. At the Pre-application meeting the developer will present a Concept Plan; a conceptual plan that outlines the basic scope, character and nature of a proposed project. The review is to allow for input in the formative stages of design. The contents of the Concept Plan are indicated in Section

1255.16.

- A. The purpose of this meeting is to discuss early and informally the purpose and effect of this Code and the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, and master thoroughfare plan, the parks and public open space plan, the Subdivision Regulations, and the drainage, sewer, and water systems of the City of Pataskala. No statements by City officials made in such informal meetings shall be binding on either party, nor shall any opinions or suggestions provided on any aspect of the pre-application meeting be relied upon by the applicant to indicate subsequent approval or disapproval by the City.
- B. Planning and Zoning Department Staff shall forward projects to the Planning and Zoning Commission for their review and feedback. This opportunity to review is not a public hearing, and need only be included on the meeting agenda.
- C. The applicant may request review and feedback from the Planning and Zoning Commission and/or City Council prior to preparing the Preliminary Development Plan and Application for Zoning Amendment regardless of project size. This opportunity to review is not a public hearing and feedback does not constitute legislative action.

1255.13 ZONING AMENDMENT REQUEST

- A. Zoning Amendment Request (rezoning application). An application for rezoning to a PDD shall be submitted according to the basic hearing and notification processes of Chapter 1217 however only the requirements for submission outlined in Chapter 1255.17 shall apply. Generally, in addition to the requirements for rezoning applications, there shall be submitted a Preliminary Development Plan (or Master Plan) for the total development, Development Standards Text and supporting documentation as required. Council must approve the zoning change, Preliminary Plan and Development Standards Text in order for rezoning to a PDD becomes effective.
- B. Review Procedures. The Preliminary Development Plan or Master Plan as applicable, the Zoning Amendment Request and all submission requirements as set forth in Section 1255.17 shall be reviewed and distributed according to the following procedures. A preliminary subdivision plat may be reviewed simultaneously provided all the required plat information is submitted.
 - 1. Staff Review. Staff shall determine if an application is complete according to this Chapter, after which, staff shall forward the application to the appropriate city departments and if necessary professional consultants for review and comment.
 - 2. The application shall be reviewed for compliance with the City Comprehensive Plan and other adopted plans or studies, the requirements of this code and other applicable City codes.
 - 3. During the review process, staff may meet with the applicant to review the application, and the applicant may revise the Preliminary Development Plan or Master Plan as applicable, and Zoning Amendment

application in response to staff's comments.

4. Within 45 days of the application being deemed complete or an extended time if agreed to by the applicant, the application shall be placed on the agenda for a public hearing during a regularly scheduled meeting of the Planning and Zoning Commission, and the application and all supporting documents shall be transmitted to the Commission.
5. Prior to a public hearing required in part 4, above, written notice of such hearing shall be sent by the Planning and Zoning Clerk by first class mail, at least 20 days before the hearing, to all owners of property within 200 feet or two (2) parcels from any point of the perimeter of the property line of the area proposed to be included within the Planned Development District, whichever provides a greater number of property owners. The failure to deliver notice, as provided in this chapter, shall not invalidate any such approval. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1217.08.(Ord. 2006-3733. Passed 12-18-06.)
6. Review by Planning and Zoning Commission. The Planning and Zoning Commission shall review the application to determine if it complies with the approval criteria set forth in Section 1255.19. The Planning and Zoning Commission will take into consideration any submitted staff reports, comments and other expert opinions when reviewing the application.
7. Additional Information. The Planning and Zoning Commission may request additional information they deem necessary to adequately review and evaluate the proposed development, and/or may require the applicant to revise elements of the application. In this event, the Planning and Zoning Commission may table the application.
8. Request for Fixed Hearing Date. After the elapse of 30 days after the Planning and Zoning Commission tables a PDD case, the applicant may make a written request to the Director of Planning for a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning and Zoning Commission. If an applicant requests to table their application at this stage, it must be brought back to the Planning and Zoning Commission within six (6) months of the meeting. If the applicant fails to bring the matter back to the Commission within six months, the Commission may deny the application and future action would require a new updated application to be filed. The Zoning Clerk shall make reasonable effort to provide the applicant a written 30 day notice that the six month period is about to expire.
9. Action by Planning and Zoning Commission. The Planning and Zoning Commission shall recommend to City Council one of the following:
 - a. That the Zoning Amendment, consistent with the Preliminary Development Plan/ or Master Plan and its supporting documentation be approved as submitted (including as revised to that date);

- b. Or, that the Zoning Amendment, consistent with the Preliminary Development Plan/ or Master Plan, and its supporting documentation be approved with specific conditions set forth by the Planning and Zoning Commission, and agreed to by the applicant, to further protect and improve the proposed and surrounding developments; such agreement documented by a signature on a typed document detailing the conditions; or,
 - c. Or, that the Zoning Amendment, and its Preliminary Development Plan/ or Master Plan be disapproved.

- 10. Transmission to City Council. The Planning and Zoning Commission shall transmit the Zoning Amendment application and the Preliminary Development Plan/ or Master Plan in the form of an ordinance along with all appropriate documentation, including their recommendation to City Council, within 15 days of taking action, unless otherwise requested by the applicant.

- 11. Action by City Council. City Council shall review and act on the proposed ordinance(s) including conducting a public hearing, in accordance with City Council procedures and public notice provisions set forth in Section 1217 of the Zoning Code.
 - a. City Council shall review the ordinance(s) as recommended by the Planning and Zoning Commission.
 - b. Disapproval by City Council shall terminate the process. Another zoning amendment application pertaining to the land included in the disapproved application shall not be accepted within one year from the date of disapproval unless there has been substantial change to warrant reconsideration.
 - c. Approval of the Planned Development District/ Preliminary Development Plan shall result in the adoption of the ordinance(s) and shall constitute a rezoning of the property included in the Preliminary Development Plan and all associated commitments become binding on the applicant as outlined in part “e” below.
 - d. The official Zoning Map shall be amended to reflect the zoning change.
 - e. If City Council approves the Preliminary Development Plan portion of the application with modifications, the applicant shall incorporate such modifications in the appropriate documents and file the revised Preliminary Development Plan with the staff. No final development plan application will be processed until the revised preliminary development plan is submitted and approved.

- 12. Effect of Plan approval. Approval, or approval with recommended modifications of the application for Zoning Amendment with Preliminary Development Plan for a Planned District by the City

Council shall:

- a. Establish the appropriate Planned District zoning on the property together with the development framework for the project, including the general location of open space, use sub-areas, densities, unit types, recreational facilities, and street alignments.
 - b. Permit the applicant to proceed with detailed planning and engineering of the final development plan;
 - c. Authorize the applicant to apply for other regulatory approvals for the project or subsequent phases thereof.
13. Expiration of Preliminary/Master Plan Approval. Given the nature of the Planned Development District process and the unique standards simultaneously adopted, the Preliminary/Master Plan approved specific to the Planned Development District designation shall remain valid for twelve months from the date of City Council approval. During that time the applicant shall prepare and submit a Final Development Plan for review in compliance with Section 1255.18 below. In the event progress on the Preliminary Plan, or plans for the PDD are discontinued, the City may begin procedures to rezone the property to the zoning district in place prior to the Planned Development District or to another district as may be determined appropriate.

For the purpose of this section, progress shall be considered discontinued when:

- a. The Final Development Plan for the PDD, or for the first phase of the PDD, is not submitted within twelve months after approval by City Council of the Preliminary Development Plan;
- b. The Final Development Plan for the PDD, or for the latest phase of the PDD is approved , but construction authorized by such final development plan is not begun within twelve months after approval of the Final Development Plan; or
- c. A Final Development Plan for the PDD is approved, and actual construction work is discontinued for a period of twenty-four months or for a longer period as may be agreed to as part of the PDD zoning amendment.
- d. At any time, City Council may grant an extension to the above stated timeframes for good cause if shown. A request for time extension shall be made in writing to City Council, with copies to the Planning and Zoning Commission, stating the good cause for the delay and plans for resumption of the project. City Council may request additional information as prudent to protect the interests of the City and as relevant to the project.
- e. At the time of adoption of this chapter, any PDD projects with discontinued progress as defined in this section and with approved Preliminary or Final Development Plans, or with discontinued

construction per a, b, or c above, shall retain such approvals, but subject to consideration that the applicable date of this ordinance shall be considered the most recent approval, or start of construction as applicable. At any time from the passage of this ordinance till the expiration of the step described in either a, b, or c, above, the applicant may submit a request for an extension as described in part d, above. The Zoning Clerk shall notify the developers of all PDD projects with discontinued progress at the time of this ordinance of this amended ordinance. Further, the Zoning Clerk shall then notify these projects at least 30 days prior to the expiration of this time period if progress remains discontinued, advising them of the need to apply for an extension **per part “d” above.**

1255.14 Final Development Plans.

An application for Final Development Plan review shall include the submission requirements set forth in Section 1255.14 and 1255.18, and shall be submitted for review according to the following. A Final Development Plan for each phase of development must be approved by the Planning and Zoning Commission. The applicant shall also submit a final subdivision plat for simultaneous review unless a final plat has already been approved, or is not required for the completion of the project.

Any changes approved during the processes outlined in this section shall be indicated on an amended final development plan. An application for an amended final development plan shall follow the review procedures for final development plan review as set forth in 1255.14C of this Chapter. Approved amendments to final development plans shall supersede the originally approved final development plan.

- A. The area included in the application for Final Development Plan review shall be in substantial compliance with the phasing plan approved as part of the preliminary development plan.
- B. The application shall be reviewed according to the following procedures:
 - 1. Staff Review. Staff shall determine that an application is complete according to Section 1255.18, upon which staff shall forward the application to the appropriate City departments, and if determined necessary, professional consultants for review and comment.
 - a. The application shall be reviewed for compliance with the approved Preliminary Development Plan, the other requirements of this code and other applicable codes.
 - b. Staff may further meet with the applicant during review to consider the application, and the applicant may revise the final development plan application in response to staff comments.
 - c. The application, supporting documents, staff comments, any other reports and accompanying documents (such as, but not limited to, letters from residents and maps) shall be transmitted to the Planning and Zoning Commission.

2. Planning Commission Prescreening. The Planning and Zoning Commission shall review the application to determine if it complies with the approval criteria set forth in 1255.20. This step does not require a public hearing. The Commission shall take into consideration any submitted staff reports when reviewing the application.
 - a. The Planning and Zoning Commission may request additional information they deem necessary to adequately review and evaluate the proposed Final Development Plan, and may request the applicant to revise elements of the application. In this event, the Commission may table the application.
 - b. Tabled cases. After the elapse of 30 days of a tabled case, the applicant may provide written request to the Zoning Clerk for a fixed hearing date. The case will be scheduled for the next regular meeting of the Planning and Zoning Commission.
 - c. Conditional use review. Requests to include conditional uses shall be considered by the Planning and Zoning Commission as authorized in Chapter 1215.10
 - d. Compliance with Preliminary Development Plan/ or Master Plan. The Planning and Zoning Commission shall determine if the Final Development Plan substantially complies with all specific requirements, the purposes, intent and basic objectives of the Preliminary Development Plan, and any commitments made or conditions agreed to with the adoption of the Preliminary Development Plan, and whether it represents an expansion and delineation of the approved Preliminary Development Plan.
3. Detailed Review. If the Planning and Zoning Commission determines that the proposed Final Plan complies with the approved Preliminary Plan it shall conduct a review of the Final Development Plan in accordance with the procedures of this section.
 - a. The Planning and Zoning Commission may, during its review of the Final Development Plan, approve a modification of a provision of the development standards text if they determine that all of the following provisions are satisfied:
 - i. That for this Planned Development District strict compliance with this code is not needed in order to ensure that the PDD is consistent with the City Comprehensive Plan and is compatible with existing, approved or planned adjacent development;
 - ii. That the proposed modification does not significantly alter the list of permitted or conditional uses, cause an inappropriate increase in density or cause inconsistencies with the City Comprehensive Plan;
 - iii. The proposed modification results in a development of equivalent or higher quality that that which could be achieved through strict application of the requirement(s);

- iv. The principles of 1255.10 “General Development Standards” are achieved; and
 - v. The development, as proposed on the Final Development Plan, will have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
 - vi. Proposed modifications to the Preliminary Development Plan that fail to meet all the above shall require an amendment to the Preliminary Development Plan as a rezoning process.
 - b. Compliance with current city-wide standards. In the event that development or construction standards that apply city-wide are updated, all subsequently approved final development plans shall comply with the updated standards when the Planning and Zoning Commission determines that such updated standard(s) will not cause undue hardship.
- 4. Action. The Planning and Zoning Commission shall take one of the following actions:
 - a. Approve the Final Development Plan as submitted;
 - b. Approve the Final Development Plan with modifications as agreed to by the applicant; or
 - c. Disapprove the Final Development Plan when the application does not demonstrate that the required standards have been met. Disapproval of the Final Development Plan shall terminate the process. The applicant may revise the final development to respond the Planning and Zoning Commission’s concerns and resubmit the plan. Such action shall be considered a new application for review and shall contain all the information required for final development plan review, including payment of a new application fee.
- B. Modifications to approved final development plans. Applicant requests to modify approved final development plans will be reviewed according to the following:
 - 1. Administrative approval. The Director of Planning, in administering approved final development plans may authorize minor design modifications, subject to the limitation of part 2 and part 3 below, that are required to correct any undetected errors and/or that are consistent with the purpose of the approved final development plan.
 - 2. Such administrative modifications shall not allow increases in intensity of development or additions to the list of permitted or conditional uses. Such modifications shall be limited to:
 - a. Minor adjustments in lot lines provided no additional lots are created
 - b. Minor adjustments in location of building footprints and parking lots provided the perimeter setbacks, yards and buffers remain in

compliance

- c. Minor adjustments in building heights
 - d. Substitution of landscaping materials
 - e. Redesigning and/or relocating stormwater management facilities
 - f. Redesigning and/or relocating mounds
 - g. Minor modifications to the design of signs, including the sign face, and sign lighting, provided the color palette, maximum sign area and maximum sign height, approved in the final development plan are not exceeded
 - h. Minor changes in building material that are similar to and have the same general appearance as the material approved on the final development plan
3. The Director of Planning shall report any administrative approved modifications to the Planning and Zoning Commission
- D. Planning and Zoning Commission. Modifications other than those listed in part C.1, or C. 2 above shall be submitted to the Planning and Zoning Commission. If during their review they determine that the modifications are compatible with the surrounding development and that they are not requirements that are necessary to ensure consistency with the preliminary development plan, the Planning and Zoning Commission may approve such change.
- E. Zoning and building permits. Following the approval of the final development plan, and recording of the final subdivision plat if applicable, the applicant may proceed with the application process for certificate of zoning compliance and building permit process, consistent with approval as granted, including any conditions and modifications made by the Planning and Zoning Commission.
1. After approval of the final development plan, the applicant shall obtain a certificate of zoning compliance and building permits, prior to construction of any structures.
 2. However, a certificate of zoning compliance shall not be issued until the appropriate final plat has been recorded and the City has accepted any applicable land areas that are to be dedicated to the City, including streets and utility improvements. No zoning certificate of occupancy shall be granted prior to the City's acceptance of public infrastructure serving that structure. All required covenants, easements and restrictions shall be recorded prior to the approval of any construction permit in a location where such covenants, easements, or restrictions are intended to apply. The developer shall present a copy of the recorded documents prior to applying for any construction permits.
 3. All construction and development under any building permit shall be compliant with the approved Final Development Plan, except as may be authorized under Parts C, D or E above. Any unauthorized departure

from the approved plans shall be cause for revocation of the certificate of zoning compliance.

1255.15 PLANNED DISTRICT APPLICATION CONTENTS.

A. The following described contents shall be provided to secure rezoning and approval for Planned Development District zoning. The basic process shall require submittal and approval of:

- (1) Pre-application meeting-Concept Plan
- (2) Rezoning Application and Preliminary Development Plan/ or Master Site Plan (for large complex developments)
- (3) Final Development Plan (upon approval of the Preliminary Development Plan/ Master Site Plan).
- (4) Required fees, deposits and charges.

B. Fees and Charges. The applicant shall be responsible for all reasonable expenses incurred by the City of Pataskala in reviewing the preliminary and final development plans or any modifications to those plans. Such expenses may include items such as the cost of professional services, including legal fees and the fees for the services of other professionals such as geologists, landscape architects, planners, engineers, environmental scientists, and architects, incurred in connection with the reviewing of the plans and prepared reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses attributable to the review of the plans. A base fee, as determined by the City of Pataskala should be established in accordance with a fee schedule. (See Chapter 1207 Appendix).

(Ord. 2006-3733. Passed 12-18-06.)

1255.16 CONCEPT PLAN CONTENTS. PRE-APPLICATION MEETING

A. The applicant and their representatives should schedule the pre-application meeting through the Planning Director, and should indicate that the purpose of the meeting is to review the concept plan for a proposed planned district. The materials submitted for the pre-application meeting should generally provide a conceptual overview of the proposed project. Information should be comprehensive enough to provide staff an understanding to the existing site conditions and the concept for the proposed development. The applicant should be prepared to discuss the nature of the proposed land uses including specific types (e.g. two-family dwellings, local businesses, golf course, etc.), and the clientele which it is designed to serve (e.g. public, residents only, retirees, etc.). The applicant shall submit five (5) copies as determined by the Director of Planning. If the project is complex enough to require referral to Planning and Zoning Commission at this stage as per 1255.10, B, above, the applicant shall provide an additional ten (10) copies. The information provided should, at a minimum include the following:

(inclusion of aerial photos and an electronic file in pdf format of submitted materials is highly encouraged):

1. A vicinity map; Show accurate boundaries of the entire project; North point and scale; Location of the site in the City; including general location of principal thoroughfares.
2. A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the project and property lines of the adjacent areas on a drawing of 11 inches X

17 inches.

3. An existing conditions map; with features drawn to scale, showing accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights of way and for 100 feet of property immediately adjacent thereto, indicating:
 - a. Existing location of any public improvements, and public or private utility systems, roads and thoroughfares;
 - b. General topography;
 - c. Existing buildings and permanent facilities;
 - d. Existing zoning district boundaries and jurisdictional boundaries;
 - e. Existing easements, rights-of-way, abutting property boundaries;
 - f. Physical features and natural conditions of the site including the location of open spaces, streams, ponds, substantial tree masses and preservation zones; or potentially historic structures;
 - g. Surface drainage and areas subject to flooding, including National Flood Hazard Designations; Wetland delineation as submitted to the Army Corps of Engineers;

- D. The concept plan: drawn to scale and with accurate boundaries of the entire project, a north arrow, including the property proposed for development, all adjacent rights of way an 100 feet of property immediately adjacent thereto, indicating:
 1. A subarea plan which shows proposed land uses, indicating acreage by land use, type and density of buildings or dwelling units;
 2. General location of any lands to be dedicated to any public entity;
 3. The general circulation pattern;
 4. The relationship of the proposed project and how it will functionally integrate with the surrounding area.

1255.17 CONTENTS OF ZONING AMENDMENT APPLICATION WITH PRELIMINARY DEVELOPMENT PLAN

- A. The Zoning Amendment Application: an application for rezoning to a Planned District shall be submitted according to the processes of Chapter 1217, however only the requirements of submission listed in this Chapter shall apply.
 1. The Zoning Amendment and Preliminary Development Plan Application for a Planned District shall be a single application step.
 2. Where requirements of this Section overlap with the requirements of Chapter 1217, a single set of maps and documents may be submitted as

part of the Zoning Amendment and Preliminary Development Plan for a Planned District request.

3. The applicant shall submit 15 copies of the application materials, which shall include:

(inclusion of aerial photos and an electronic file in pdf format of submitted materials is highly encouraged):

- a. Completed application form and application fee.
- b. A vicinity map showing the relationship of the proposed Planned District to existing development and including existing; property lines, easements, utilities, and street rights-of-way of the subject property and property within 200 feet of the site, zoning district boundaries, and existing land uses and structures.
- c. A regional context map; indicating the proposed site and all areas within 2,000 feet in all directions; showing the basics of the proposed layout of the proposed project and property lines of the adjacent areas on a drawing of 11 inches X 17 inches in size.
- d. A legal description of the property including County Auditor parcel numbers.
- e. A map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and north arrow, including:
 - i. Boundaries of the area proposed for development, dimensions and total acreage;
 - ii. Existing public rights-of-way, buildings, permanent facilities, access points and easements on, and adjacent to, the site;
 - iii. Identification of any existing buildings or structures to be removed or demolished;
 - iv. Existing zoning district boundaries and jurisdictional boundaries;
 - v. Existing utility systems and providers;
 - vi. The location of existing topography showing contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features and identifying any areas with slopes over 5%;
 - vii. Locations of all wooded areas, tree lines, hedgerows, and a description of significant existing vegetation by type of species, health and quality.

- viii. Existing drainage patterns on the property including connections with farm tiles on adjacent properties,
 - ix. Locations of wetlands and potential wetlands, the 100 year floodplain, floodway boundary, 20 foot buffer beyond the floodway, and flood elevation as provided by the most recent Federal Emergency Management Agency mapping, including rivers and streams and their related river or stream bank, pond, and water courses,
- f. The Preliminary Development Plan map shall include a plan for the entire area of the proposed Planned District Project and shall be drawn to an appropriate scale with accurate boundaries of the entire project including a north arrow. The applicant shall also provide 13 copies or the number determined necessary by the Director of Planning. The Preliminary Development Plan portion of the application shall include:
- i. The proposed location, use and size of sub-areas of residential , retail, office, industrial uses, community facilities, parks, playgrounds, school sites and other public areas and open spaces with the suggested ownership and maintenance provisions of such areas, and their related parking areas and access points.
 - ii. The general layout of the proposed internal road system, indicating the proposed vehicular right of way of all proposed public streets, general indication of private streets and pedestrian circulation, bike paths and other trail systems, access drive locations, improvements to existing streets, and traffic control requirements.
 - iii. Any proposed off-site improvements and/or utility lines/extensions needed to serve the site;
 - iv. Environmental plan showing natural features and preservation zones
 - v. Natural areas and other natural, historic or significant features to be conserved and any required buffer areas;
 - vi. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
 - vii. A summary table showing total acres of the proposed development; the number of acres devoted to each type of land use, including streets and common areas; the number of dwelling units by type and density for each residential use area and the building heights(s) and square footage as proposed for retail, office, industrial and institutional uses, by use area; and the number of parking spaces provided for each use area; Estimated total population, size, employment or other measurements of the scale of the project at each phase and at buildout;

- viii. The provision of water, sanitary sewer;
 - ix. The schedule of site development, construction of structures and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, streets, easements and natural areas;
 - x. Proposed buffers between incompatible land uses and activities;
 - xi. Included with the site plan shall be the proposed location and proposed character of all signs for the entire development (sign master plans are encouraged);
 - xii. A letter of communication from the appropriate school district regarding any residential development included in the Planned Development District;
 - xiii. Space for signatures of the applicant and the Chair of the Planning and Zoning Commission, and for the dates of Planning and Zoning Commission and City Council approvals;
- g. Development Standards Text; a development standards text document including the special requirements that will govern the design and layout of the proposed Planned District, including: Architectural guidelines for each subarea, or phase;
- i. Architectural drawings demonstrating the prototypical design of the proposed buildings, to demonstrate the exterior design, character and general elements in sufficient detail to indicate the proposed visual character of the development.
 - ii. Including signature and date lines for the applicant, certifying the text
 - iii. Dimensions and or acreages illustrated on the development plan shall be described in the development standards text.
 - iv. Any provisions that depart from applicable standards set forth in the City of Pataskala Zoning Code addressing signage, landscaping, appearance and parking will be described and justified.
 - v. Provision shall be made to establish a private organization (i.e. homeowners/ or master association) with direct responsibility to provide for the operation and maintenance of all common facilities and amenities that are part of the planned development, and in such instance the legal

assurances demonstrating that the private organization is self-perpetuating.

- h. Preliminary Plat, if appropriate, designed in compliance with the subdivision regulations set forth in Chapter 1100 of the City of Pataskala Codified Ordinances. The required subdivision plat information may be included with the Preliminary Development Plan.

1255.18 FINAL DEVELOPMENT PLAN CONTENTS.

The applicant shall submit fifteen (15) copies of the text and map information outlined below. The applicant must be an owner, lessee, representative or agent of the property for which the Planned Development District is proposed. Final Development Plans are intended to be detailed refinements for the development and as such must be accurate, detailed representations of the total aspects of the approved Preliminary Development Plan. Contents of the Final Development Plan application shall include: (inclusion of an electronic file in pdf format of submitted materials is highly encouraged):

- A. A completed application form together with the established application fee.
- B. A detailed introductory statement of all uses proposed to be established indicated in the areas to be occupied by each use and the anticipated density of population and building density or square feet/acre;
- C. A vicinity map showing the relationship of the area of final development to the entire Planned Development District including the relationship of the area of the final development plan to the entire Planned District and including existing structures, property lines, easements, utilities, and street rights of way of the subject property and property within 500 feet of the site.
- D. A regional context map showing the proposed site and all areas within 2000 feet in all directions showing both the basics of the proposed layout contained in the application and the property liens of the adjacent areas on a drawing that is 11 inches by 17 inches in size.
- E. The Final Subdivision Plat. If the proposed project includes the subdivision of land, and if a final plat has not already been approved, the final plat shall be submitted in accordance with Chapter 1100 of the Pataskala Subdivision Regulations.
- F. If a final subdivision plat is not required, the applicant shall provide a final legal description of the property, showing the boundaries of the property which is the subject of the Final Development Plan with accurate distances and bearings from an established monument of the project to the three nearest established street lines or official monuments;
- G. A Final Development Plan map prepared by a licensed professional, and drawn to an appropriate scale indicating the following items, to the extent that the information is not already shown on the final subdivision plat or construction drawings for a subdivision:
 - 1. A bar scale, north point, legal description and total acreage of the area

which is the subject of the Final Development Plan:

2. Accurate location of all set monuments, which shall be concrete six inches by six inches by thirty inches with iron pipe cast in center, one such monument to be placed at each corner and at each change of direction of the boundary, at each street intersection and at the beginning and end of curves on one side of the street;
3. The right of way lines of adjoining streets and alleys with their width and names and indicating the edge of pavement and centerlines;
4. All lot lines and easements with their dimensions;
5. Radii, arcs, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners;
6. The dimensions and locations of proposed structures, buildings, streets, parking areas, yards, playgrounds, school site, open spaces, proposed pedestrian and bike path systems, the arrangement of internal and in-out traffic movement including access roads and drives, lane and other pavement markings to direct and control parking and circulation, connections to existing and future adjacent areas and developments, the location of signs related to parking and traffic control, and other public or private facilities;
7. Location of existing and proposed structures including fences, walls, signs, and lighting,
8. Location, screening and layout of all proposed and existing outdoor storage areas including storage of waste materials and trash receptacles
9. Accurate outlines, dimensions and legal descriptions of any areas to be dedicated or reserved for public use, provided those are acceptable to the City, and with the purposes indicated thereon, and of any area to be reserved by deed covenant for the common use of all property owners, and the acreage of such reserved areas, or indicating if it is to be dedicated or reserved and the proposed timing of dedication or reservation.
10. A summary tabulation showing the total acres of the proposed development, the number of acres devoted to each type of use including streets, and open space, and the number of dwelling units by type, building square footage for non-residential structures, number of parking spaces, pavement coverage, impervious surface area and the exact acreage and area of each lot, reserve or other parcel shown on the plan such areas to be computed inclusive of and after the extension of lot or parcel lines to the center lines of contiguous public ways, such as streets and parking areas, private streets, and other public facilities;
11. Detailed engineering plans for the provisions of all site grading, development practices established by City Code, all streets and utilities including provisions for off-site connections and facilities necessary to

serve the entire area which is the subject of the Final Development Plan;. (This provision shall not apply to the final grading for the individual one or two family building sites within the development area)

12. A certificate by a surveyor registered in the State of Ohio that the plan represents a survey made by him and that the monuments shown actually exist and that all dimensional and geodetic details are correct;
13. All municipal, corporation, township and county lines and section lines traversing or immediately adjacent to the property which is the subject of the Final Development Plan, and adjacent subdivision boundaries within 200 feet of such property, accurately referenced to the boundaries of the project by bearings and distances;
14. Space for signatures of the owner, and applicant if different than the owner, and the Chair of the Planning and Zoning Commission and the date of Commission approval. Space for the signatures of all required municipal officials;
15. Topographic maps showing existing and proposed grading at two (2) foot contours, water courses, wetlands, flood plains and other flood hazard information, and proposed drainage facilities to include drainage patterns, proposed storm drain lines, detention/retention basins and structures, and the design storm used as the basis for sizing facilities and flood surcharge conditions that exceed the facilities design capacity shall be indicated and shown on the site grading plan to be approved by the City Engineer;
16. Detailed landscaping plans as required in Chapter 1283;
17. A tree preservation plan, tree survey and tree replacement plan required by Chapter 1283.
18. A lighting plan, including but not limited to light pole heights and locations, building accent lighting, pedestrian lighting, average footcandle calculations minimum footcandles and maximum footcandles. Lighting shall not directly illuminate or produce glare on neighboring properties. "Dark skies" principals shall be applied.
19. Architectural drawings showing all exterior elevations an building floor plans, colors, materials and other details, demonstrating the design and character proposed for the development, of the proposed structures, buildings, uses and facilities and the physical relationship of all elements providing sufficient detail to indicate the architectural style proposed to demonstrate conformity with the appearance standards established in the development text approved as part of the Preliminary Plan, and to enable the Planning and Zoning Commission to make a decision. Drawings shall be prepared by a licensed architect.
20. All covenants, easements and other restrictions; including all proposed covenants, grants of easements or restrictions that will be imposed upon the use of the land, buildings, and structures, or reference made thereto

and proper acknowledgment of owners and/or holders of mortgages accepting such restrictions;

21. Evidence of ownership interests, including liens, easements, the nature of the developer's interest if not the owner, and that the applicant has sufficient control over the land in question to initiate the proposed project;
22. A certification to the effect that the owner will dedicate to public use the appropriate uses, streets, parks and other lands intended for public use, provided those areas are acceptable to the City;
23. Proposed utilities. Verification of availability of all utilities, including water, sanitary sewer, gas, electric, cable, phone, etc. Approval of detailed water and sewer engineering plans by the appropriate public utility or other appropriate public entity, shall be obtained no later than during the review period;
24. Location, material, dimensions, shape, color(s) and type of illumination of all signs;
25. For projects that include any area for common use of or to be maintained by multiple property owners, the association's bylaws or code of regulations, which shall include provisions that comply with the following requirements:
 - a. Membership in the association shall be mandatory for all purchasers of lots in the development or units in a condominium;
 - b. The association shall be responsible for maintenance, control, and insurance of common areas;
 - c. The association shall have the power to impose assessments on members for the maintenance, control and insurance of common facilities, and have the power to place liens against individual properties for failure to pay assessments;
 - d. The association shall have the authority to enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common facilities by such means as reasonable monetary fines, suspension of the right to vote and the right to use any common recreational facilities, the right to suspend any services provided by the association to any owner, and the right to exercise self-help to cure violations.
 - e. The conditions and timing of transfer of control from the developer to the unit or lot owners shall be specified.
 - f. The association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to entrance to any common facilities for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. The City shall have the right, after proper notice to make improvements and perform

maintenance functions. In additions, the City shall have the right to proceed against the association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and building lots.

- g. The provisions and authority for any required architectural review that may control any aspect of the project beyond the City requirements.

26. Modifications from Preliminary Plan. Provide a statement identifying any aspect of the Final Development Plan for which the applicant is requesting a modification from the preliminary development plan, including justification for the change and the impact of such change, per Section 1255.14.

27. Table of Contents. Provide a Table of Contents or other index indicating where each of the plan submission requirements is located within the application package (e.g. the page number of a narrative or drawing).

1255.19 CRITERIA FOR APPROVAL OF A PRELIMINARY

As the Planning and Zoning Commission reviews proposed planned districts it shall determine whether or not the Preliminary Development Plan complies with the following criteria. In the event the Planning and Zoning Commission determines that the proposed preliminary development plan does not comply with a preponderance of these criteria, the Planning and Zoning Commission shall disapprove the application:

- A. The proposed development advances the general health, and safety of the City of Pataskala and is consistent with the purpose and intent of the Zoning Code.
- B. The proposed development is in conformity with the Comprehensive Plan, and other adopted plans or portions thereof as they may apply and will not unreasonably burden the existing street network.
- C. The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of, and is otherwise compatible with, the surrounding areas.
- D. The proposed uses are appropriately located in the City so that the use and value of property within and adjacent to the area will be safeguarded.
- E. The proposed developments will have sufficient open space areas that meet the objectives of the Comprehensive Plan.
- F. That the benefits, improved arrangements, and the design of the proposed development justify the deviation from the standard development requirements included in the City of Pataskala Zoning Code.
- G. That there are adequate public services (e.g. utilities, fire protection, emergency service, etc.) available to serve the proposed development.
- H. The applicant's contributions to the public infrastructure are consistent with all adopted plans and are sufficient to service the new development.

- I. That the proposed development will not create overcrowding and/or traffic hazards on existing roads and/or intersections.
- J. That the arrangement of land uses on the site properly considered topography, significant natural features, and natural drainage patterns, views, and roadway access.
- K. That the clustering of development sites is shown to preserve any natural or historic features and provides usable common open space.
- L. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer-connection of interior collector streets with off-site road systems, and to maximize public safety and to accommodate adequate pedestrian and bike circulation systems so that the proposed development provides for a safe, convenient and non-conflicting circulation system for motorists, bicyclists and pedestrians.
- M. That there are adequate buffers between incompatible land uses and the density, building gross floor area, building heights, setbacks, distances between buildings and structures, yard space, design and layout of open space systems and parking areas, traffic accessibility and other elements having a bearing on the overall acceptability of the development plans contribute to the orderly development of land within the city.
- N. That the relationship of buildings and structures to each other and to such other facilities provides for the coordination and integration of this development within the Planned District and the larger community and maintains the rural-village character of Pataskala.
- O. The proposed architectural character is compatible with that of surrounding properties and promotes and enhances the community values expressed in the Comprehensive Plan.
- P. 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.
- Q. The proposed phasing of development is appropriate for the existing and proposed infrastructure and is sufficiently coordinated among the various phases to yield the intended overall development and to insure that public facilities and amenities are provided as planned.
- R. That any other items shown in the preliminary development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction. (Ord. 2006-3733. Passed 12-18-06.)

1255.20 CRITERIA FOR APPROVAL OF THE FINAL PLAN.

- A. The Planning and Zoning Commission may seek assistance in making its recommendation from any appropriate outside source. (Ord. 2006-3733. Passed 12-18-06.)

- B.** The Planning and Zoning Commission shall review the proposed Final Development Plan in accordance with the following criteria:
1. The Final Development Plan conforms in all pertinent respects to the approved Preliminary Development Plan, provided that the Planning and Zoning Commission may authorize plans amended as specified in 1255.14.
 2. That the proposed development advances the general health and safety of the City of Pataskala.
 3. That the Planning and Zoning Commission is satisfied that the developer has provided sufficient guarantees or demonstrates possession of the requisite financial resources to complete the project.
 4. That the interior road system, proposed parking, and any off-site improvements are suitable, safe, and adequate to carry anticipated vehicular and pedestrian traffic generated by and within the proposed development and to adjacent property.
 5. The development has adequate public services and open spaces.
 6. The development preserves and is sensitive to the natural characteristics of the site in a manner that complies with any applicable regulations.
 7. The development provides adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas without unnecessarily spilling or emitting light onto adjacent properties or the general vicinity.
 8. Signs, as shown on the submitted sign plan, will be of a coordinated effect throughout the planned district, and with adjacent development; are of appropriate size, scale, design, and relationship with principal buildings the site and surroundings, so as to maintain safe and orderly pedestrian and vehicular circulation.
 9. The landscape plan adequately enhances the principal buildings and site; maintains existing trees to the extent possible; buffers adjacent incompatible uses; breaks up large expanses of pavement with natural materials; and utilizes appropriate plant selections for the buildings, site and climate.
 10. That the existing and proposed utilities, including water and sewer service, and drainage will be adequate for the population densities and nonresidential uses proposed in the Planned Development District and complies with applicable regulations established by the city or any other governmental entity which may have jurisdiction over such matters.
 11. Phases of projects are planned so that these conditions are complied with to meet the needs of that phase upon its completion.

12. That any other items shown in the final development plan or in the accompanying text be addressed to the Planning and Zoning Commission's satisfaction.

1255.21 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In approving any Planned Development District, the City of Pataskala may prescribe appropriate conditions and safeguards in conformity with this Code. Violations of such conditions or safeguards, when made a part of the terms under which the final development plan is approved, shall be deemed a violation of this Code, and punishable under Section 1209.99.

(Ord. 2006-3733. Passed 12-18-06.)