

CHAPTER 1129
OPD-H Planned Development Housing Overlay District

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1129.01 PURPOSE.

The OPD-H Planned Development Housing Overlay District is established to permit flexibility in the use and design of structures and land in situations where conventional development may be inappropriate and where modifications of requirements of the underlying zone will not be contrary to the intent and purpose of the Zoning Code, inconsistent with the Land Use Plan, nor harmful to the neighborhood.

1129.02 INTENT.

The intent of the OPD-H district regulations is to:

- (a) Provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site and design considerations;
- (b) Encourage the preservation and best use of existing landscape features through development sensitive to the natural features of the surrounding area;
- (c) Promote efficient land use with smaller networks of utilities and streets;
- (d) Encourage and preserve opportunities for energy efficient development;
- (e) Promote an attractive and safe living environment that is compatible with surrounding residential developments; and
- (f) Provide an alternate method for redeveloping older residential areas and to encourage infill development.

1129.03 APPLICABILITY.

Housing in planned developments shall be permitted in R districts as follows:

- (a) For development of land of two (2) acres or more.

- (b) For development of land less than two (2) acre where such development is more appropriate and more efficient than conventional development because of environmentally sensitive areas, existing natural features or scenic assets, the amount of land available for infill development, or because of the age of existing development in the vicinity. (See Section 1129.05 for standards relating to developments of less than two (2) acres).

1129.04 GENERAL REQUIREMENTS.

All planned developments shall meet the following criteria:

- (a) **Land uses.** Any residential use and combinations of land uses are permitted. Combinations of land uses may include single- family, multi-family, group care facilities and commercial uses. However, commercial uses shall not be permitted in planned developments on land less than two (2) acres in area. Golf courses are allowable commercial uses on residentially zoned property as part of an OPD-H. (Ord. 02-414. Passed 10-29-02.)
- (b) **Variations.** Variations in the requirements of the underlying district may be permitted. However, setbacks required by the *Ohio Basic Building Code*, legislated by the State of Ohio, or the *Ohio Residential Code For One-, Two-, and Three-Family Dwellings*, as specified in Chapter 1303 of Part 13 Building Code of the *Codified Ordinances of Springfield, Ohio*, whichever is applicable, shall be provided.
- (c) **Dwelling unit density.** The dwelling unit density, based upon the land area minus public and/or private street right-of-way area, if any, may be computed on the basis of that permitted for the least restrictive use allowed in the underlying district.
- (d) **Streets.** Planned developments shall make provision for the extension of streets, if any.
- (e) **Storm water management.** The planned development shall comply with the requirements for storm water management, including the provision of detention or retention basins. The developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs. Generally, such costs shall be shared by all owners of property located within the planned development, with unpaid costs becoming a lien against individual properties.
- (f) **Open space.** Except in a conventional subdivision, planned developments shall be provided with open space for recreational purposes and to enhance the general character of the area. In the event the open space land is to be retained under private ownership, the developer shall submit a legally binding instrument setting forth the procedures to be followed in maintaining the areas and the means for financing maintenance costs as with storm water detention or retention basins in Subsection (e) above.
- (g) **Dedication of land for public use.** All proposed dedications of land for public use, including those to be dedicated for recreational use, shall be approved in writing by appropriate departments of the City before the approval of the plan by the City Commission. All land dedications for public use shall conform to the requirements of city ordinances.
- (h) **Ownership.** At the time of approval of a preliminary OPD-H plan, the developer

must submit evidence of ownership of the property to be developed or show evidence of a legally binding executed option agreement for purchasing all the property.

- (i) **Schedule of completion.** A developer or sponsor of a planned development shall submit a signed statement generally describing the proposed development and setting forth an intended time schedule for the completion of various phases.
- (j) **Other requirements.** Other conditions may be imposed as deemed necessary to fulfill the purpose and intent of this chapter. Such conditions may include but are not limited to planting screens, fencing, construction commencement and completion dates, lighting, operational controls, improved traffic circulation, highway access restrictions, yards, and parking requirements.

1129.05 REQUIREMENTS FOR AREAS LESS THAN TWO (2) ACRES.

An OPD-H plan for an area containing less than two (2) acres shall in addition to or in lieu of the requirements of Section 1129.04 above, meet the following requirements:

- (a) The density and design of the OPD-H shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with adjoining land uses, and shall be integrated into the neighborhood.
- (b) Multi-family structures located adjacent to existing single-family dwellings shall be sited, landscaped and screened by natural features and plant materials to harmoniously integrate the planned development with the surrounding neighborhood.
- (c) The development shall not overburden existing streets and utilities.
- (d) The development shall not adversely affect views, light and air, property values and privacy of neighboring properties any more than would a conventional development.
- (e) Commercial uses shall be prohibited.

1129.06 PRELIMINARY OPD-H PLAN.

The owner of land who wishes to develop his property according to the provisions of this chapter, shall submit to the City Clerk six (6) copies of a preliminary OPD-H plan and application for preliminary approval. The preliminary OPD-H plan for the use and development of the area of land shall list all requested variations from requirements of the underlying district in which the tract of land is located. The preliminary OPD-H plan may show a range of dimensions and need not have the specificity of the final plan. The application shall be accompanied by the following:

- (a) A location map affixed to the plan.
- (b) A preliminary OPD-H plan of the proposed development drawn to an appropriate scale, showing:
 - (1) Existing and proposed topographic contours at two (2) foot intervals or less.
 - (2) Location of the uses and topography at two (2) foot contours within 100 feet of the proposed development.
 - (3) Location of existing and proposed streets, including points of connection.
 - (4) Location of existing and proposed utilities, including points of connection.
 - (5) Location of storm water management facilities.
 - (6) Proposed uses of the land.

- (7) Number of dwelling units proposed for the planned development.
- (8) Proposed general arrangement of the buildings.
- (9) Location and area of proposed open spaces either to be held in common or publicly, and whether to be used for active recreational purposes or only as an environmental amenity.
- (10) Sketches to show the general design of building, types and the character of the development.
- (11) Legal description of the tract of land for the planned development.
- (12) Parking provisions.
- (13) Loading facilities, if any.
- (14) Proposed landscaping.
- (15) Storm drainage.
- (16) Such other information as is necessary to ascertain compliance with the requirements of this chapter.

1129.07 PRELIMINARY OPD-H PLAN APPROVAL.

Approval of a preliminary OPD-H plan shall be by ordinance according to the procedures set forth in Chapter 1174, Amendments. Approval of the zoning of the land to an OPD-H district shall constitute approval of the preliminary plan. A preliminary OPD-H plan shall be valid for no more than 24 months, unless specifically provided otherwise in the OPD-H ordinance. If no building permit has been issued for the development within the 24 month period, the area of land to which the OPD-H ordinance applies shall be considered for possible rezoning by the City to remove the OPD-H designation.

1129.08 REPORT OF CITY PLANNING BOARD.

Upon completion of review of the preliminary OPD-H plan of the planned development, the Planning Board shall recommend either approval or denial of the plan and shall make a written report of its findings to the City Commission to substantiate its recommendation. The findings shall address the following: that the variations in setbacks, lot area requirements, building heights, building types, sizes of buildings, the combination of land uses, and traffic flow will be in the public interest, in harmony with the purposes of this code and other building regulations of the City and will not adversely affect nearby properties.
(Ord. 03-288. Passed 8-19-03.)

1129.09 CHANGES IN AN APPROVED PRELIMINARY OPD-H PLAN.

Material changes in an approved preliminary OPD-H plan shall be subject to the same procedures for approval as for the original approved plan. A material change is any change in the principal use or character of the development from the use or uses shown on the preliminary OPD-H plan and any dimensional change beyond the ranges specified on the preliminary plan. Any other changes are considered minor changes and may be approved by the Planning and Development Director.

1129.10 FINAL OPD-H PLAN.

All R-4 and OPD-H plans currently in force at the time this ordinance is adopted shall be considered final OPD-H plans, and continue in full force and effect. Applications for approval of new final OPD-H plan shall meet all the requirements of the preliminary OPD-H plan and

include the following:

- (a) Detailed plans and specifications of the planned development.
- (b) Building elevations and floor plans for all structures.
- (c) Details of materials to be used for exterior construction.
- (d) A landscape plan including screening and buffering, if necessary, between the proposed and existing development.

1129.11 FINAL OPD-H PLAN OF PORTION.

After preliminary approval of the entire planned development is given, a final plan of a portion within the planned development may be approved if:

- (a) The portion is more than two (2) acres in size.
- (b) The plan of the portion meets all requirements of a final plan.
- (c) The dwelling unit density within the portion does not exceed the dwelling unit density allowable for the least restrictive use for that area under existing zoning.
- (d) The portion can function as an independent development unit with adequate access, services, utilities, open space, etc.
- (e) The developer subdivides and improves all public rights-of-way necessary to support the portion.
- (f) The remaining portion is not left as an undevelopable remnant.

1129.12 FINAL PLAN APPROVAL.

Final approval of any OPD-H plan shall be by administrative review. Approval shall be based on compliance with an approved preliminary OPD-H plan and any modifications required by the Planning Board having jurisdiction and City Commission at the time the land was zoned to OPD-H. After approval of the final plan, permits may be issued to carry out the approved plan.

(Ord. 03-288. Passed 8-19-03.)

1129.13 CHANGES IN AN APPROVED FINAL OPD-H PLAN.

Material changes in an approved final OPD-H plan shall be subject to the same procedures for approval as for the original approved plan. A material change is any change in the principal use or character of the development from the principal use or uses shown on the final OPD-H plan and any dimensional change specified on the final plan. Any other changes are considered minor changes and may be approved by the Planning and Development Director.

1129.14 BUILDING PERMITS.

The final plan, or parts of the final plan as finally approved, shall be filed in the Building Official's office and building permits may be issued only for structures conforming to the OPD-H plan. In the event commercial uses are approved as a part of a planned development, no building permit for a commercial use shall be issued until Certificates of Occupancy for a minimum of 25 percent of the housing units planned for the area (or approved portion) have been issued or unless 25 percent of the housing units planned for the area (or approved portion) will be constructed simultaneously. (Separate building permits shall be obtained by the developer for the construction of housing and commercial uses where separate buildings are to be used.)