

**CHAPTER 1140**  
**PD Planned Development District**

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**1140.01 PURPOSE.**

(a) This Chapter establishes the procedures for review and adoption of Planned Development (PD) districts. A Planned Development: (1) is a concept which requires land to be under unified control, planned and developed as a whole in a single development or in an approved, programmed series of developments; (2) is governed by a PD Ordinance which becomes the zoning regulation for the land to which the PD Ordinance is applied and may also include subdivision regulations to govern the land; (3) includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and (4) is a concept which, when implemented, allows for development according to comprehensive and detailed plans which may include not only streets, utilities, building sites, and the like, but also site plans for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land.

(b) The purpose of the PD district is to provide for zoning and subdivision regulation of Planned Developments to allow more flexible design of single use residential, commercial or industrial uses developments as well as allow modern integrated developments of mixed residential, commercial, industrial, recreational or agricultural uses, with such Planned Developments regulated so as to be in substantial conformity with the Clark County Comprehensive Land Use Plan (commonly known as the Crossroads Plan) adopted by the City, with the City's Thoroughfare Plan and with the purposes established in Section 1101.02 of the Springfield Zoning Code, and so as to not have substantially adverse effects on neighboring areas which outweigh the benefits to the community derived from the Planned Development.

In addition, the regulation of Planned Developments under this Chapter is intended to further the following purposes:

- (1) To provide flexibility in architectural design, placement and clustering of buildings, use of open space, provision of traffic circulation facilities and parking, and related site development considerations;
- (2) To provide for the preservation and best use of existing landscape features and environment characteristics through development sensitive to and protective of the natural features of the PD district and the surrounding area in a harmonious fashion;
- (3) To promote efficient land use with smaller networks of utilities and streets;
- (4) To provide a more flexible zoning mechanism to facilitate redeveloping older residential areas and to encourage infill development;
- (5) To enable the creation of a more desirable environment than would be possible through application of the regulations in the City's conventional zoning districts;
- (6) To provide a comprehensive planning process and an integrated body of regulation for zoning and subdivision control of each Planned Development;
- (7) To provide for more usable and suitably located recreation facilities, open spaces and other public, private and common amenities than would otherwise be provided under conventional land use development regulation;
- (8) To combine and coordinate architectural styles, building forms and building relationships within Planned Developments;
- (9) To provide for appropriate land covenants, easements and financial assurances and security to ensure completion of public improvements, completion of construction of Planned Development phases, long term maintenance of common areas and other amenities in Planned Developments, long term maintenance and preservation of Planned Development features intended to mitigate adverse effects on neighboring areas and areas within the Planned Development and preservation of the attributes of the Planned Development necessary to integration of the uses permitted therein;
- (10) To provide for the integration of diverse uses in a manner that will allow the uses to complement each other and that will promote convenience of access to various uses by the community within and near the Planned Development;
- (11) To provide aesthetically pleasing development which will foster a livable environment in the Springfield community and which will promote the public welfare;
- (12) To provide a flexibility in zoning and subdivision regulation that will incentivise developers to opt for pursuing a planned development subject to more comprehensive municipal regulation, even though the developer may incur increased early development costs associated with undertaking

the PD district planning process.

#### **1140.02 DEFINITIONS.**

The following definitions shall be applicable to this Chapter, unless a contrary meaning is indicated by the text:

- (a) Applicant. An applicant is a person who files a petition for a zoning amendment to establish a PD district under this Chapter. A person who holds a contractual right to become the owner of a freehold estate in land proposed to be made subject to a PD Ordinance adopted under this Chapter may be an applicant. All owners of freehold estates in the lands proposed to be made subject to the PD Ordinance adopted under this Chapter must be co-applicant parties to the application made under this Chapter.
- (b) Buffer. A buffer is a landscaped area, fence, wall or other barrier along the perimeter of a PD district boundary, between land use categories within a PD district, or between incompatible uses within a PD district.
- (c) Common Open Space. Common open space is an area of land, an area of water, or a combination of land and water within a PD district which is for the benefit of or open to use by multiple occupants of the PD district.
- (d) Compatibility. The ability of land a use to coexist with surrounding land uses in a stable fashion over time such that none of the uses are subjected to substantially adverse effects which outweigh the benefits to the community derived from the uses being permitted to exist in proximity to each other and which will not result in an existing lawful use becoming impractical as a result of its proximity to the proposed new use.
- (e) Gross Density. Gross Density for residential uses is the total number of dwelling units divided by the total number of acres designated for residential uses within the perimeter boundaries of a PD district. Gross density for non-residential uses is determined by the floor area ratio.
- (f) Master Development Plan. A Master Development Plan is the set of documents describing the attributes of a Planned Development, including:
  - (1) The PD Ordinance to govern the Planned Development, which shall include the zoning regulations to govern the Planned Development, which shall include standards by which the Planning Board will administer the PD Ordinance, which may include subdivision regulations which, as to the Planned Development, will be in addition to and which, to the extent they vary from the subdivision regulations in Part Twelve of the Codified Ordinances, shall supersede the subdivision regulations in Part Twelve of the Codified Ordinances and which shall include an amendment to the Zoning Map of Springfield, Ohio;
  - (2) A plot plan of subdivision characteristics and other attributes of the Planned development (the Master Development Plan plat map is not the same as the plat submitted for subdivision approval);
  - (3) Any declaration of land covenants required to accomplish the purposes of this Chapter as pertaining to the Planned Development;

- (4) Any conveyance of easements or other interests in real estate required to accomplish the purposes of this Chapter as pertaining to the Planned development;
  - (5) Any financial assurances and security or other mechanisms required to accomplish the purposes of this Chapter as pertaining to the Planned Development; and
  - (6) Any other required conditions relating to use, location and bulk of building, density of development, common open space, and public facilities within the Planned Development.
- (g) Net Commercial Acreage. Net Commercial Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-commercial and office uses.
  - (h) Net Office Acreage. Net Office Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-office uses.
  - (i) Net Industrial Acreage. Net Commercial Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-industrial uses.
  - (j) Net Residential Acreage. Net Residential Acreage is the total number of acres within the perimeter boundaries of a PD district, excluding areas devoted to streets, rights-of-way, easements, lakes, public, private and common open space, recreation, and other permitted non-residential uses.
  - (k) Preliminary Master Development Plan. A Preliminary Master Development Plan is a Master Development Plan proposed by the applicant and made a part of the application, as required by this Chapter, to be submitted to the Planning Board for their consideration.
  - (l) Substantial Construction. Substantial construction is achieved at the point in development when all required permits necessary to build a Planned Development phase have been obtained and actual construction of public improvements, or stormwater management systems on the Planned Development phase is either complete or in active progress.
  - (m) Undeveloped Area. Undeveloped area is the area within a PD district where agriculture or recreation uses in open areas may be continued.

### **1140.03 LANDS ELIGIBLE FOR INCLUSION IN A PD DISTRICT.**

(a) A PD district shall be comprised only of contiguous lands forming a single, cohesive area to be developed as a unit, either at one time or in phases. No PD district may surround an island of land not included as part of the PD district.

(b) No PD district shall be established unless all owners of freehold estates in the lands included within the proposed PD district have given their consent, in writing, to the

establishment of the proposed PD district and to their lands being made subject to the PD Ordinance to be adopted by the City Commission and to the terms of the Master Development Plan related thereto and unless all such owners have provided all legally binding instruments the City Commission finds are necessary to the enforcement of long term obligations imposed under the said PD Ordinance and Master Development Plan.

#### **1140.04 PD ORDINANCE AND MASTER DEVELOPMENT PLAN DESIGN.**

(a) This section is intended to provide guidance to the City staff in assisting applicants wishing to petition for establishment of a PD district and to provide guidance to the Planning Board in its consideration of and adjustment of a Preliminary Master Development Plan and in designing a PD Ordinance to be recommended to the City Commission, if a PD district is to be recommended.

(b) The Planning Board shall consider the following matters in reviewing and adjusting a Master Development Plan and designing a PD Ordinance to be recommended to the City Commission:

- (1) Whether the proposed PD district meets the qualifications of Section 1140.03.
- (2) What permitted uses are appropriate for the proposed PD district;
- (3) Compliance with stormwater regulations;
- (4) Conformance to density policies established by the Clark County Comprehensive Land Use Plan or by the City Commission;
- (5) The location and sizing of buildings so as to provide adequate light and ventilation to protect the health of the occupants and users of the Planned Development;
- (6) The location and sizing of buildings so as to provide necessary access for fire apparatus and other emergency vehicles;
- (7) The location and sizing of buildings so as to provide a reasonable degree of privacy for residents and occupants of the Planned Development;
- (8) Establishing appropriate setback and yard requirements for the proposed Planned Development;
- (9) Ingress and egress for the proposed Planned Development from and to public thoroughfares and traffic circulation within the proposed PD district and avoidance of overburdening existing public thoroughfares;
- (10) Establishing appropriate open space for recreation and to establish an attractive environment that is beneficial to the public health, safety and welfare;
- (11) Determine whether appropriate land will be dedicated to public use for public roadways, public utilities, public recreation facilities and public parks;
- (12) The location and sizing of public utilities within the proposed PD district to ensure adequate service within the proposed PD district and to avoid overburdening existing public utilities;

- (13) The use of and design of buffers within and on the boundary of the proposed PD district to separate uses and to mitigate substantially adverse effects on property within the proposed PD district and on property in neighboring areas and compliance of buffers with Chapter 1156 of the Springfield Zoning Code;
- (14) The provision of adequate parking, the location of parking facilities and whether off-street parking should be permitted which deviates from the requirements of Chapter 1153 of the Springfield Zoning Code;
- (15) The grouping of buildings and the variety and design of building types;
- (16) The compatibility of land uses within the proposed PD district and the compatibility of land uses permitted in the proposed PD district with lawful land uses existing in neighboring areas;
- (17) The impact of land uses within the proposed PD district on environmental features of the proposed PD district which are to be preserved and on environmental features in neighboring areas;
- (18) The need for limitation on land uses within the proposed PD district in furtherance of the purposes of this Chapter and the compatibility of land uses within the proposed PD district and with land uses in neighboring area;
- (19) The form of ownership interests intended for the Planned Development;
- (20) Access to public transportation systems;
- (21) The location and design of landscaping within the proposed PD district and compliance with Chapter 1158 of the Springfield Zoning Code;
- (22) The location and design of signs within the proposed PD district and compliance with Chapter 1155 of the Springfield Zoning Code;
- (23) The appropriate size for subdivision lots within the proposed PD district for the various uses permitted within the proposed PD district;
- (24) Every lot within the proposed PD district is required to have access to a public thoroughfare either directly or by means of a private road;
- (25) Streets within the proposed PD district, public or private, are required to conform to the minimum requirements of Part Twelve of the Codified Ordinances and to the specifications for public roadway structures adopted by the City Engineer, whether the roadway is public or private, but alleys may deviated from the minimum requirements of Part Twelve of the Codified Ordinances if the City Fire Chief determines that such deviation will not prevent access to abutting properties by fire apparatus;
- (26) How is development of the proposed PD district to be completed in progressive phases and whether the proposed schedule development of the PD district is practical and will accomplish build out of phases of the Planned Development within a reasonable time;
- (27) What land covenants, easements, other interests in real estate and financial assurances and security are necessary to ensure completion of public improvements, completion of construction of the Planned Development phases, long term maintenance of common areas and other amenities in the

- Planned Development, long term maintenance and preservation of Planned Development features intended to mitigate adverse effects on neighboring areas and areas within the Planned Development and preservation of the attributes of the Planned Development necessary to integration of the uses permitted in the proposed PD district;
- (28) What precautions are to be taken to preserve environmental attributes of the proposed PD district which are to be retained and on environmental features in neighboring areas;
  - (29) What standards should the PD Ordinance contain to govern exercise of Planning Board discretion in administering the PD Ordinance and approving modifications to the Master Development Plan over time; and
  - (30) What uses should be specifically prohibited within the proposed PD district.

#### **1140.05 THE APPLICATION FOR REZONING AS A PD DISTRICT.**

(a) The applicant seeking to have land rezoned as a PD district shall submit to the Planning and Zoning Administrator six (6) copies of a PD Rezoning Application which shall include the following:

(b) An opinion of an attorney at law, licensed to practice in Ohio, which is addressed to The City of Springfield, Ohio and upon which the City may rely, containing a good and sufficient legal description of the lands which are the subject of the application [as required in subdivision (c)(3) of this Section] and stating all owners of freehold estates in such lands. If one or more applicants is a holder of a contractual right to become an owner of a freehold estate in such lands, then the application shall also include a true copy of the document establishing such contractual right and an opinion of an attorney at law, licensed to practice in Ohio, which is addressed to The City of Springfield, Ohio and upon which the City may rely, verifying that the said document is legally binding on the parties thereto in accordance with the terms of such document.

(c) A Preliminary Master Development Plan which shall include the following exhibits:

- (1) A statement of objectives for the Planned Development, describing:
  - A. The general purpose of the proposed Planned Development;
  - B. The general character of the proposed Planned Development;
  - C. The proposed permitted and prohibited uses for the proposed PD district; and
  - D. The rationale supporting the assumptions and choices made by the applicant.

(2) A vicinity map drawn to a scale to show an area of no less than one thousand (1,000) feet surrounding the proposed PD district (a larger area may be required if the Planning Board determines that information on a larger vicinity is needed to properly review the application) showing the location of the proposed Planned Development in relation to:

- A. Existing streets and thoroughfares, showing the location and size of all existing utilities facilities, including drainage, water, sewer, electrical, and fire hydrants;
  - B. Existing public and private facilities, including but not limited to, schools, recreation areas, public utility facilities, stormwater detention facilities and police and fire stations;
  - C. Existing zoning and existing land uses on the proposed PD district site and on surrounding areas; and
  - D. Existing easements on the proposed PD district site;
- (3) A boundary survey plat map and good and sufficient legal description of the lands which are the subject of the application (such legal description being compliant with the requirements of the Clark County, Ohio County Engineer for conveying interests in real estate).
- (4) A topographic survey using the most recent United States Geological Service topographic survey if more detailed topographic information is not available.
- (5) A site analysis map drawn to the same scale as the Preliminary Master Development Plan plat map, described below, which shall indicate flood prone areas, areas with slopes greater than five percent (5%), areas of soils which are marginally suited for development purposes and a tree survey (including tree cover, existing vegetation and other natural areas of significance as indicated in an accompanying Natural Area Inventory prepared by an ecologist or similarly trained environmental specialist).
- (6) A Preliminary Master Development Plan plot plan drawn to a scale suitable to clearly depict the following characteristics of the proposed PD district (the scale for the vicinity map being a minimum standard):
- A. Proposed land uses within the proposed PD district and their location;
  - B. Proposed lot sizes within the proposed PD district, indicated either by lot lines drawn in their proposed location or a statement on the face of the Preliminary Master Development Plan concerning proposed lot sizes, including minimum lot sizes;
  - C. Proposed building setbacks defining the distance buildings will be set back from:
    - (i) Property lines surrounding the proposed PD district;
    - (ii) Proposed and existing streets and alleys, identified as either public or private;
    - (iii) Other proposed buildings;
    - (iv) The center line of ditches, streams, creeks and the high water line of lakes and ponds;
    - (v) Lot lines within the proposed PD district; and
    - (vi) Other man-made or natural features which would be affected by building encroachment.
  - D. Proposed maximum height of buildings within the proposed PD

- district;
- E. Proposed common open spaces, the intended purposes and uses of such common open spaces, their location and size and the parameters limiting use of such common open spaces;
  - F. Arterial and collector streets and thoroughfares, if any, and point(s) of connection for access roads to the Planned Development;
  - G. Local access streets and interior circulation roadways, paths and trails, public and private, vehicular and pedestrian, within the proposed PD district;
  - H. Proposed common outside storage areas, their location and size and the parameters limiting use of such common storage areas;
  - I. Proposed lot lines within the proposed PD district;
  - J. Proposed Buffers and their location, design and a maintenance plan; and
  - K. Undeveloped areas.
- (7) A table showing proposed acreage for each category of land use within the proposed PD district.
  - (8) A table showing gross density and net residential, commercial, office, and industrial acreage.
  - (9) A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the maximum building and impervious surface coverage expressed as a percent of the front yard, rear yard, and total site area for residential and nonresidential uses within the proposed PD district.
  - (10) A proposed utility service plan pertaining to sanitary sewers, storm drainage, potable water supply, street lighting, energy supply, telecommunications and data transmission showing general locations of major water and sewer lines, lift stations, and indicating whether gravity or forced systems are planned as well as locations of other major utility infrastructure. Utility infrastructure shall be identified as either public or private.
  - (11) A proposed sign plan identifying the location, size and type of signs to be placed on the Planned Development.
  - (12) A description of each development stage of the proposed Planned Development, if the proposed PD district is to be developed in phases.
  - (13) A proposed construction/development schedule for the Planned Development and each phase thereof.
  - (14) Proposed deed and easement documents for public infrastructure within the PD district and proposed easement documents for proposed common areas, ingress and egress rights-of-way for lots within the proposed PD district and such other conveyance documents necessary to establish permanent rights needed by owners and occupants of the proposed Planned Development.

- (15) Proposed land covenants necessary to provide for permanent protection of rights of land owners within the proposed PD district, to provide for long term enforcement of conditions intended to protect the interests of land owners in neighboring areas and to provide for permanent protection of land features and characteristics of the proposed Planned Development.
- (16) A draft proposed PD Ordinance in a format prescribed by the Planning and Zoning Administrator and approved by the Law Director.
- (17) Proposed financial assurances and security or other mechanisms necessary to effectively ensure completion of public improvements, completion of construction of Planned Development phases, long term maintenance of common areas and other amenities in the proposed Planned Development, long term maintenance and preservation of Planned Development features intended to mitigate adverse effects on neighboring areas and areas within the proposed Planned Development and preservation of the attributes of the proposed Planned Development necessary to integration of the uses permitted therein accomplish the purposes of this Chapter as pertaining to the proposed Planned Development.

(d) At any time during the application review process, the Planning Board may require the applicant to supplement its application to provide such additional data as the Planning Board may require to evaluate the character and impact of the proposed PD district.

**1140.06 PROCEDURE FOR REVIEW AND APPROVAL OF PD DISTRICT PRELIMINARY MASTER DEVELOPMENT PLAN AND ESTABLISHMENT OF A PD DISTRICT.**

(a) The provisions of Chapter 1174 shall govern the establishment of a PD district under this Chapter; provided, however:

- (1) The plot plan and data pertaining to neighboring property required in Subsections 1174.01(a)(1) and (2) may be provided separately along with an application which may be made part of the Preliminary Master Development Plan.
- (2) The requirement of Subsection 1174.01(b)(3) will be satisfied by compliance with the Preliminary Master Development Plan requirement at Subsection 1140.05(c)(1).

(b) Preapplication Conference. Prior to the submission of an application for the establishment of a PD district, the applicant (along with such consultants and professional advisors as the applicant chooses to attend) shall meet with the Planning and Zoning Administrator (along with such other City staff members which the Planning and Zoning Administrator deems appropriate) for the purpose of assisting the applicant in submitting a complete and compliant application for consideration by the Planning Board. Upon receiving a request for a preapplication conference from a prospective applicant, the Planning and Zoning Administrator shall schedule a preapplication conference at City Hall to be held within twenty five (25) days of the prospective applicant's request for a preapplication conference. The

prospective applicant may request, in writing, that the preapplication conference be scheduled for a later date. The applicant shall have prepared and shall have delivered to the Planning and Zoning Administrator at least six (6) copies of the following data at least five (5) days prior to the scheduled preapplication conference date:

- (1) A sketch plan of the proposed PD district;
- (2) A statement of the total number of acres in the proposed PD district;
- (3) A statement of the number and type of structures and lots; the number of acres to be occupied by each type of use in the proposed PD district;
- (4) A statement explaining the objectives of the proposed Planned Development and the uses to be included within the proposed PD district;
- (5) The known deviations from subdivision regulations to be sought; the known plans for private utilities, amenities, and/or roadways.

Notwithstanding the foregoing, the applicant may, at the applicant's option, submit a complete draft PD district application in lieu of the above mentioned five items.

(c) In the event the applicant fails to submit the above mentioned data to the Planning and Zoning Administrator at least five (5) days prior to the scheduled preapplication conference, the Planning and Zoning Administrator shall reschedule a preapplication conference for a date after the above mentioned data has been delivered to the Planning and Zoning Administrator, but no later than thirty (30) days after the above mentioned data has been delivered to the Planning and Zoning Administrator.

(d) After the initial preapplication conference, the Planning and Zoning Administrator may schedule such additional preapplication conferences as the Planning and Zoning Administrator finds to be necessary to enable the applicant to submit a complete and compliant application for consideration by the Planning Board.

(e) When an application to establish a PD district is in good order, complete and compliant with the requirements of Section 1140.05, it shall be submitted to the Planning Board pursuant to Section 1174.02 of the Springfield Zoning Code. A applicant may waive, in writing, the 45 day deadline for consideration of a zoning amendment petition by the Planning Board.

(f) After the Planning Board's due consideration of an application for establishment of a PD district, the Planning Board shall prepare and submit to the City Commission a written report of its findings which form the basis of the Planning Board's recommendation and shall make its recommendation on such application to the City Commission by:

- (1) Recommending adoption of the PD district to which the applicant has consented, in writing as required in this Chapter, and tendering to the City Commission a PD Ordinance to establish the PD district; or
- (2) Forwarding to the City Commission a PD Ordinance to establish the PD district to which the applicant has consented, in writing as required in this Chapter, but recommending that the PD district proposed in the forwarded PD Ordinance not be established.

(g) In the event the City Commission considers a PD Ordinance which is materially different from the PD Ordinance recommended by the Planning Board, the applicant must consent, in writing, to such modified PD Ordinance (as required in this Chapter) and the considered PD Ordinance shall be adopted only by the affirmative vote of at least four members of the City Commission.

#### **1140.07 IMPLEMENTATION OF THE PD ORDINANCE.**

(a) After adoption of a PD Ordinance by the City Commission, the owners of lands within the PD district shall record with the Clark County, Ohio County Recorder an affidavit notifying the public that the lands described in the PD Ordinance have been made subject to the PD Ordinance. The affidavit shall be in a form approved by the Law Director.

(b) After adoption of a PD Ordinance by the City Commission, the owners of lands within the PD district shall also record with the Clark County, Ohio County Recorder such other deeds, easements declarations of land covenants and such other conveyances of interests in real property as the PD Ordinance requires.

(c) After adoption of a PD Ordinance by the City Commission, the applicant shall forthwith deliver to the City proof acceptable to the City Manager and Law Director that such financial assurances, security and other mechanisms as are required under the PD Ordinance are in place, properly funded and enforceable.

(d) No building permit shall be issued for any construction within a PD district until after the applicant has achieved full and complete compliance with the requirements of subdivisions (a), (b) and (c) of this Section, as specified in the PD Ordinance.

(e) In the event that a Planned Development or a phase of a Planned Development is not under substantial construction within twenty four (24) months after the commencement date for the relevant portion of the Planned Development, as specified in the Development Schedule adopted in the PD Ordinance; then, upon a determination by the City Commission that the PD Ordinance should not be amended to allow an extension of time to commence substantial construction of the relevant portion of the Planned Development, the Planning Board shall proceed to consider whether such lands included in the said portion of the Planned Development should be rezoned and shall make its recommendation to the City Commission.

#### **1140.08 ADMINISTRATION OF THE PD ORDINANCE.**

(a) The Planning Board shall administer each PD Ordinance in accordance with the standards for such administration established in the PD Ordinance and shall administer such PD Ordinance in a manner consistent with accomplishing the purposes of this Chapter set forth in Section 1140.01. Administration of a PD Ordinance may include modification of the Master Development Plan; provided such modification is in compliance with the standards for administration established in the PD Ordinance and is consistent with accomplishing the purposes of this Chapter set forth in Section 1140.01.

- (1) Property owners seeking a modification of the Master Development Plan governing their land may file a written request for modification with the Planning Board describing the modification requested and providing all data needed by the Planning Board to determine whether such requested modification can be approved under the standards established in the PD Ordinance governing such land.
- (2) The Planning Board shall consider a request for modification only when all owners of freehold estates in the subject land have joined in making the request.
- (3) The Planning Board may require that a request be supplemented with such additional data as the Planning Board determines is necessary to determine whether a requested modification should be granted.
- (4) The Planning board shall grant the requested modification if the Planning Board is able to find that the requested modification is in compliance with the standards for administration established in the PD Ordinance and is consistent with accomplishing the purposes of this Chapter set forth in Section 1140.01.

(b) In the event that all or a portion of a Planned Development is rezoned, as provided for in Section 1140.07(e) or otherwise, the Planning Board shall direct the Planning and Zoning Administrator to submit an affidavit to the Clark County, Ohio County Recorder giving notice to the public that the relevant portion of the Planned Development is no longer subject to the PD Ordinance. The affidavit shall be in a form approved by the Law Director.

(c) Notwithstanding the terms of subdivision 1140.08(a), above, the Board of Zoning Appeals shall perform the functions delegated to it under Chapter 1172 in matters pertaining to a PD district.