

CITY OF BROOKLYN, OHIO
ORDINANCE NO. 2017 - 1
INTRODUCED BY: *Vankirk, Pucci, Tanski, Paulitzky*

ENACTING CHAPTER 1127, PLANNED UNIT DEVELOPMENT DISTRICT,
OF THE CODIFIED ORDINANCES OF THE CITY OF BROOKLYN

WHEREAS, the Zoning Code of the City of the Brooklyn stands to be amended to encourage skillful planning of residential and commercial development by allowing flexibility in type and placement of buildings while promoting coordinated architectural design within a unified development area overlying one or more zoned districts; to utilize topographic and landscape features to enhance and unify the development and to insulate the development from major arterials as well as protect adjacent residential neighborhoods; to expand the scope of land planning from the concept of unrelated individual parcels and buildings to a coordinated and harmonious development; to promote the efficient use of land, utilities, streets and services; to promote increased open space and landscaped areas between uses and along public roads; and to control the vehicular circulation and access to existing roads to reduce congestion and increase safety; and

WHEREAS, after public hearing, the Planning Commission of the City of the Brooklyn has recommended adoption of Chapter 1127, Planned Unit Development District, to accomplish the objectives set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKLYN, COUNTY OF CUYAHOGA AND STATE OF OHIO:

SECTION 1. That the Council of the City of Brooklyn, Ohio hereby enacts new Chapter 1127, Planned Unit Development District, of the Codified Ordinances of the City of Brooklyn (Exhibit "A" to this Ordinance).

SECTION 2. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Brooklyn City Council and any of its committees and/or boards that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance shall go into effect at the earliest period allowed by law following the vote of the electors thereon in accordance with the Charter of the City.

ADOPTED: *1/30/17*

ATTESTED:

Mary Jo Banish

Clerk of Council

APPROVED:

Karuna Shalgham

MAYOR

Approved as to legal form

[Signature]

Law Director

1st Reading: *1/9/17*
2nd Reading: *1/24/17*
3rd Reading: *1/30/17*

Filed with the Mayor: *1/31/17*

[Signature]

PRESIDENT OF COUNCIL

CHAPTER 1127
Planned Unit Development District

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1127.01 INTENT.

The Planned Unit Development (PUD) District and regulations are established in order to achieve, among others, the following purposes:

- (a) To encourage skillful planning of residential and commercial development by allowing flexibility in type and placement of buildings while promoting coordinated architectural design within a unified development area overlying one or more zoned districts.
- (b) To utilize topographic and landscape features to enhance and unify the development and to insulate the development from major arterials as well as protect adjacent residential neighborhoods.
- (c) To expand the scope of land planning from the concept of unrelated individual parcels and buildings to a coordinated and harmonious development.
- (d) To promote the efficient use of land, utilities, streets and services.
- (e) To promote increased open space and landscaped areas between uses and along public roads.
- (f) To control the vehicular circulation and access to existing roads to reduce congestion and increase safety.
- (g) In the event of a conflict between the provisions contained in this chapter and other provisions contained in these Codified Ordinances, the provisions and regulations contained in this chapter shall supersede such inconsistent provisions.

1127.02 USE REGULATIONS.

Buildings and land shall be used and buildings shall be designed, erected, altered, moved, added to or maintained in a Planned Unit Development (PUD) District only for those uses set forth in this chapter and in schedules and regulations of this Zoning Code.

- (a) All buildings and uses proposed shall be designed, constructed, occupied and maintained as per the approved final development plan in accordance with Chapter 1141.
- (b) All buildings and uses shall comply with the regulations for tree screening, preservation and forestation in accordance with this Zoning Code.

(c) Buffering between a PUD District and adjacent residential districts shall be in accordance with the requirements of Chapter 1121 unless otherwise noted in the final development plan and approved by Planning Commission and Council.

(d) In a PUD District, only the following uses may be permitted by the Planning Commission and Council, as further limited in Section 1127.03:

(1) Single family lots. Within the Planned Unit Development, lot sizes, setbacks, lot widths, the location and standards of public improvements, the location and design of common lands, and other conditions shall be set forth in the Preliminary Development Plan as approved by Council.

(2) Cluster detached houses and two-family homes.

(3) Townhouses, atrium homes, patio houses, row housing and attached single family homes.

(4) All other main uses and buildings permitted in any residential district pursuant to Chapter 1117.

(5) Public buildings, civic uses, public recreational facilities, public parks and open green space.

(6) Midrise multifamily dwellings.

(7) Accessory uses and buildings permitted in any residential district and in addition, recreational facilities for the exclusive use of the residents.

(8) Conditional uses permitted in any residential district.

(9) Accessory uses customary and incidental to uses listed in this subsection (d).

(e) In addition to the uses set forth in subsection (d), the following uses may be permitted in PUD Districts of more than twenty-five acres of contiguous land defined as the development area:

(1) Mixed use buildings defined as retail shops, service establishments and other business uses including offices and/or residential dwellings in the same building.

(2) Restaurants (other than drive-in restaurants) and the service and consumption of food and all beverages.

(3) Recreational uses.

(4) Service establishments and other business uses.

(5) Licensed child day care, senior living, preschool or adult day care facilities by way of Conditional Use Permit.

(6) Retail stores permitted in any commercial district.

(7) Offices permitted in any commercial district.

(8) Mixed use buildings defined as retail shops and/or offices with residential dwellings in the same building.

(9) Hotels.

(10) Accessory uses and buildings permitted in any commercial district.

(11) Conditional uses permitted in any commercial district.

(12) Accessory uses customary and incidental to uses listed in this subsection (e).

(f) Notwithstanding the foregoing use regulations, the Planning Commission and Council reserve the right to prohibit certain uses that are not consistent with the vision for the PUD District, the purpose of the PUD District, the City Master Plan or other requirements set forth in this code. Any specifically prohibited uses will be identified within the final development plan.

1127.03 SCOPE AND AREA.

In order to establish or develop a Planned Unit Development (PUD) District, the development area shall comply with the following conditions:

- (a) The PUD District shall be permitted as an overlay district in relation to only the following zoned districts: SF-DH Single Family Dwelling House District, A-H Apartment House District, R-B Retail Business District, G-B General Business District, L-I Limited Industrial District and G-I General Industrial District. The minimum area to qualify as a PUD District shall be not less than fifteen acres of contiguous land defined as a development area. Such District or development area may be bisected by a public dedicated or private street as long as all parcels within the development area are controlled or owned by a person or a group of owners acting jointly under a planned development procedure.
- (b) The development within a PUD District shall be consistent with the final development plan approved by the Planning Commission and Council in accordance with the provisions of Chapter 1141 and this chapter.
- (c) Development plans shall cover the entire District indicating the uses, density, buildings, parking, landscaping and open space. Development plans shall be submitted and accepted by the owner or owners of all the land within the Districts. The final development plan shall be binding on the owner or owners, their heirs, executors, administrators, successors and assigns unless otherwise amended by action of Council.
- (d) The residential density and use permitted within a PUD District shall be as established in the approved preliminary and final development plan, however in no case shall the gross density of the entire District exceed 9.9 dwellings per acre (or less than 4,400 square feet of land per dwelling). The maximum density including open space and private streets for specific use areas as approved in a development plan shall not exceed the following standards:
 - (1) Area containing single family homes not including detached row and cluster homes shall not have less than 10,000 square feet of land per dwelling.
 - (2) Areas containing multifamily townhouses, of four or more dwellings per building shall not have less than 3,000 square feet of land per dwelling.
 - (3) Areas containing multifamily dwellings limited to mid-rise multifamily and mixed-use buildings up to four floors in height shall not have less than 1,000 square feet of land per dwelling.
 - (4) Two-family homes, attached single family homes and including atrium houses or patio houses of two or three attached dwellings per building shall have not less than 10,000 square feet of land per dwelling.
- (e) The building floor area within the PUD District allocated to nonresidential uses and buildings as listed in Section 1127.02(e) shall not exceed fifty percent of the floor area within the PUD District and the percentage established for nonresidential uses and buildings on the preliminary development plan as modified in the final development plan. The floor area of any parking garages or parking structures shall not be counted as "floor area" for any purpose under this chapter.
- (f) Not less than forty percent of the floor area of the dwelling units within a PUD District shall be allocated to single family, single family cluster, attached single family or townhouse dwellings.
- (g) Not less than seven and one-half percent of the entire land area excluding perimeter setbacks within a PUD District shall be permanently designated for civic buildings, public uses and public parks for common use.

(h) The Planning Commission shall determine the boundaries of each use to determine the percentage of allocation within the PUD District. In a PUD District development exceeding twenty-five acres of contiguous land, not more than fifteen percent of the total land area of the district may be included in the preliminary development plan as first floor building area for retail uses. A preliminary development plan for a development district of more than twenty-five acres shall provide that not more than thirty-five percent of the total floor area of all buildings including the ground floor and all floors above the ground floor be devoted to retail uses. The calculation of the percent and amount of retail floor area for the purpose of the above percentages shall include restaurant floor area. Offices, banks and hotels shall not be considered retail space. The floor area for these uses shall be considered non-retail space in determining compliance to floor area and percentage limitations. Except as set forth in subsection (g) hereof or Section 1127.06, civic buildings, public recreation facilities or other public structures within the PUD District shall be disregarded in determining compliance with any floor area, density or percentage limitations applicable to the District.

(i) The floor area of the first floor of any single retail store located in a PUD District exceeding twenty-five acres may not exceed 40,000 square feet unless the Planning Commission and Council approve a development plan incorporating a floor area for a specific single retail store but in no circumstances shall the first floor area exceed 65,000 square feet.

1127.04 LAND PLANNING GUIDELINES.

The following planning guidelines are established to guide the planning, development and use of the land in a Planned Unit Development (PUD) District.

(a) Building arrangements shall encourage variety in arrangements of the bulk and shape of the buildings, open space and landscape features. The dwellings may be arranged in various groups, courts or clusters with open spaces related to the buildings so as to provide privacy and form a unified composition of buildings and open spaces. While flexibility in design is encouraged, the following design guidelines shall be incorporated in the final development plans:

(1) The adjoining properties shall be protected from loss of light and air because of the proximity or location of buildings. Buffering shall be planned and installed along the periphery of the District to screen nearby buildings and provide privacy to adjacent properties.

(2) Parking areas and spacing of garage doors shall be designed to lessen the impact and limit the concentration of blank walls, garage doors and large paved areas.

(3) Landscaped areas, screen walls, decorative fences, earthen mounds, hedges and other landscape features shall be used throughout the District to separate uses and buildings within the District from areas outside the District. Existing wooded areas shall be preserved where possible and existing trees which cannot be preserved shall be relocated on the site where feasible. Areas of the District not paved or improved shall be landscaped in accordance with the landscaping plan made a part of the final development plan.

(b) The vehicular and pedestrian circulation system and parking facilities shall be designed to provide safe movement throughout the District. Parking areas shall be limited in size, enclosed and/or screened so as not to dominate the areas between buildings. Lighting of drives, sidewalks and parking areas shall be adequate to provide safety but shall be at the heights to be determined by the Planning Commission and approved by Council in the development plan and low in brightness so as not to glare off the property or create "hot spots" of light. Driveways for group developments and local streets shall be connected to major streets at limited locations

where traffic can be controlled and operated efficiently with minimum interference to the capacity of existing streets. The Planning Commission shall approve the number and location of street and drive connections to any existing street. The Planning Commission or Council may request that a traffic analysis be performed by or at the direction of the applicant as part of the Commission's or Council's review process.

(c) Developments shall be designed to utilize the natural contours of the land, economize in the construction of utilities, reduce the amount of grading, and to maximize the conservation of trees and topsoil. Utility service including gas, water, sewers, electric, cable and telephone, shall be installed underground in compliance with appropriate ordinances.

(d) Retention basins, if required, shall be designed to be an integral part of the development and as an amenity to the residents. Depths of basins shall be shallow and side slopes of such basins shall be less than 3 to 1. The borders of retention basins shall have natural or curvilinear shapes and shall be planted with grass and trees so as to blend in with the landscape features of the development.

(e) In the planning of single family, cluster and townhouse developments, land should be provided for private outdoor use of the occupants at such locations as entrances or garden sides of the dwellings.

(f) The common land shall be readily accessible and of such shape and size to be usable for recreation, open space and landscaping. The integrity of the common open space shall be guaranteed from further division and/or use through deed restrictions or covenants. Common lands and required buffering shall be further maintained by the owner or through a homeowners association and/or condominium association.

(g) A minimum of one parking space shall be provided per dwelling unit, and the Planning Commission shall consider the proposed number of employees and patrons within commercial uses in determining remaining parking space requirements.

1127.05 SCHEDULE OF YARDS AND SETBACKS.

In a Planned Unit Development (PUD) District, yards and setbacks shall be provided in accordance with the following standards and criteria:

(a) Peripheral yards and setbacks for residential buildings and uses of the District to any residential use outside the District shall be not less than twenty-five feet for areas developed with townhouses; not less than twenty-five feet for areas developed with mid-rise multifamily dwellings; and not less than fifteen feet for areas developed with single family, cluster or two-family dwellings. The Planning Commission may determine peripheral yards and setbacks where residential buildings and uses of the District abut nonresidential uses, or where nonresidential buildings and uses of the District abut residential uses, provided such peripheral yards and setbacks shall not be less than forty feet.

(b) Building yard setbacks and minimum building lines on all streets shall be according to those found in the underlying zoned district or as recommended by the Planning Commission and approved by Council.

(c) Distances between buildings and uses within the PUD District shall be as established on the final development plan approved by the Commission and Council or as further required to meet City and state codes for fire and safety. In reviewing building separations within the District, the Commission may utilize the standards for yards found elsewhere in the zoning code as guidelines.

1127.06 REQUIRED OPEN SPACE.

In a Planned Unit Development (PUD) District, public or private open space shall not be less than fifty percent of the gross area of the District, except in a mixed use development PUD District, the open space required hereunder shall not be less than twenty-five percent of the gross land area of the District. No surface retention shall be included in the calculation for the required twenty-five percent open space and no basin shall be located in any required buffer area. Open space shall be defined as land unoccupied by buildings, hard surface paving including driveways, streets and parking areas. Open space includes pedestrian walks, plazas, or areas planted with grass, ground cover, landscape material, trees or natural vegetation. Notwithstanding the designation as open space, the following open space may be used for outdoor dining, retail kiosks, entertainment and public art:

- (a) Pedestrian walks; and
- (b) Parks located in the median of boulevards within the development.

1127.07 BUILDING HEIGHTS.

(a) Single family, cluster single family, two family and townhouse dwellings within a Planned Unit Development (PUD) District shall not exceed three stories or thirty-five feet in height as measured to the highest eave of the roof.

(b) All other buildings permitted in the District shall not exceed four stories or seventy-five feet to the highest part of the roof.

(c) In a mixed use development, the minimum height of all main buildings in the development site shall be two stories of usable space unless otherwise approved by the Planning Commission and Council.

1127.08 SIGNS.

Signs shall be permitted as needed for information and traffic control as determined by the Planning Commission. Any such signs, and signs for individual businesses located within the Planned Unit Development (PUD) District, shall adhere to a sign package submitted within the preliminary development plan and approved by the Planning Commission.

1127.09 DESIGN STANDARDS.

The following design standards shall apply to all development in the Planned Unit Development (PUD) District:

(a) All required parking spaces which are to be enclosed shall be enclosed with a permanent roof, continuous foundation, concrete floor and exterior wall pierced only for ventilation, windows and doors. Underground parking which has an at grade roof covered in ground cover, landscaping, recreation facilities or landscaped patio may be counted for required open space. Parking lots shall be screened from adjacent residential uses and public streets with dense evergreen hedges or trees or earthen mounds or other effective screening as approved by the Planning Commission. Decked or structured parking above or below grade may be open to allow light and air into the parking structure and shall have finished exterior decorative walls and/or landscaping adequate to screen the view of parked cars within the facility from the street fronting the parking garage as approved by the Planning Commission.

(b) All roofed surfaces shall be provided gutters and downspouts connected to an approved storm system.

(c) All driveways and parking areas shall be designed and constructed with positive drainage with catch basins. All driveways and parking areas serving more than four dwelling units shall have concrete rolled or barrier curbs defining the limits of the paved areas.

(d) Sidewalks shall be provided to all dwelling units connecting the dwelling to the required parking spaces and to the public streets.

(e) Trash storage containers shall be enclosed with a six-foot high masonry wall on three sides with a closable door. Trash enclosures shall be screened with landscaping, located not less than six feet from any frame building and provided a concrete pad and apron adequate to support collection vehicles. Service structures, including propane tanks, dumpsters, air conditioning units and condensers, electrical transformers, and other equipment or elements providing service to a building or a site, shall be screened from view of adjacent properties and public and private streets.

(f) Buildings in the District and those constructed in phases shall be harmonious in design, exterior materials and color so as to provide a coordinated architectural design for the development area.

(g) Any streets serving more than 100 dwellings, dwellings of different types or non-residential uses shall be dedicated public streets unless otherwise approved by the Planning Commission and Council as part of the final development plan. Private street pavements shall be constructed to City standards for public streets unless a different standard is approved by Council. All private streets shall be within an easement granted to the City for access. All private streets shall be owned and maintained by the landowner or condominium association.

(h) Mixed use developments shall be pedestrian oriented with first floor retail storefronts, curbside parking, pedestrian plazas, and shall include other features such as decorative street furniture, landscaped streets and walks, weather protected walkways, outdoor seating, bicycle facilities including paths and parking, decorative pavement to indicate pedestrian areas and crosswalks, traffic calming measures, transit accommodation and signage that is compatible with the building architecture and pedestrian scale.

(i) Canopies and/or awnings may project from a building face and may extend or be within one foot of the back of a curb. Open arcades providing cover over sidewalks in front of buildings may extend to within five feet of a street curb.

1127.10 PARKING FACILITIES.

Parking and driveways shall be permitted as an accessory use in accordance with the standards and regulations of the Zoning Code except as further regulated herein.

(a) Enclosed parking required in a Planned Unit Development (PUD) District may be in enclosed garages or structured parking decks. In addition, open guest parking shall be provided at a rate of at least one-fourth space per dwelling unit.

(b) Required enclosed parking spaces for midrise multifamily or mixed use buildings shall be located in underground parking garages or attached multi-story parking garage. The roofs of garages at grade may be used for open guest parking, driveways and landscaping.

(c) In mixed use developments, the Planning Commission may modify the parking required and in such case shall determine how much parking is needed taking into account the hours of operation of uses, the overlap in parking demand by different adjacent uses and the types of uses proposed.

(d) In a mixed use development containing retail buildings and other uses, the preliminary development plan shall provide that not less than twenty-five percent of the required parking for

the district shall be in garages or decked facilities unless otherwise approved by the Planning Commission and Council.

(e) In a mixed use development, on-street and curbside parking may be permitted by the Planning Commission and Council to a maximum of twenty-five percent of the required parking.

1127.11 PROCEDURES FOR PUD DISTRICT APPLICATION.

All applications for establishing a Planned Unit Development (PUD) District shall follow the procedures outlined in this section and in accordance with Chapter 1141.

(a) A request for a PUD District approval may be initiated by the Planning Commission through its Council representative, a councilmember, the Mayor or the owner of record or by a bonafide purchaser under contract, option or agreement.

(b) The request for PUD District approval shall be submitted to the Building Commissioner in accordance with Chapter 1141 except as otherwise provided herein. Such a request shall include the following:

- (1) Written request describing the proposed uses of the property.
- (2) In the case of an owner or agent request, a copy of proof of ownership or bonafide contract or agreement to purchase.
- (3) A legal description of the parcel or parcels to be made part of the PUD District.
- (4) Surveyor's or engineer's certification that the parcel(s) in the approval request consist of the minimum number of acres or more of land required under this chapter.
- (5) Survey maps or tax maps of the parcel(s) to be included in the District including the permanent parcel numbers of all parcels or portions thereof to be included.
- (6) Twenty copies of a preliminary development plan indicating the location, boundary, number and type of dwellings and density of the proposed uses throughout the entire district in accordance with the requirements of Section 1127.12.

Prior to submitting the request, the property owner is encouraged to meet with the Building Commissioner and City staff to discuss the development informally, including the intent and criteria of the District and the application process, and to identify any preliminary concerns with the proposed development.

(c) The Building Commissioner shall refer the request made pursuant to subsection (b) to Council. If Council adopts legislation to permit the property preliminarily to be made part of a PUD District, the proposed ordinance and preliminary development plan shall be referred to the Planning Commission.

(d) After receipt of the adopted ordinance identified in subsection (c) and the preliminary development plan, the Commission shall review and make recommendations to Council along with any conditions it deems necessary for the health, safety and welfare of the community. The Commission shall either amend, approve or disapprove the preliminary development plan for the proposed PUD District.

(e) On receipt of the Planning Commission's action with respect to the preliminary development plan, Council shall schedule a public hearing on the matter. The Building Commissioner shall cause notice of the public hearing to be issued to all owners of property abutting the proposed PUD District in a manner reasonably designed to provide notice. After the public hearing, Council shall approve or approve with amendments, a preliminary development plan for the proposed District. No PUD District shall be approved or created without a preliminary development plan established and approved locating the areas, types, number and density of dwellings in the District.

(f) After Council's approval of the preliminary development plan for the District, a final development plan shall be submitted to the Commission in accordance with the procedures and requirements of Chapter 1141 and as further required herein. The final development plan shall be in substantial accordance with the preliminary development plan and shall comply with the following:

(1) It must incorporate all the conditions imposed by Council in the approval of such preliminary development plan.

(2) It must be in conformance with all of the design standards and criteria of this Zoning Code.

(3) It must certify that all deed restrictions, dedications, covenants, agreements and other documents are in acceptable form and have been executed and all fees paid.

(g) The Commission shall review the final development plan in accordance to the standards, criteria and guidelines of this chapter and the provisions of Chapter 1141. The Commission may make recommendations, amendments and specify conditions as to the placement and design of buildings, location of streets and driveways, amount and type of buffering, landscaping, lighting, and signs as may be determined by the Commission to improve the development and protect the existing and future residents.

(h) Modifications to the approved preliminary or final development plan requested by the applicant may not be made without first coming before the Planning Commission. If the Commission determines that any requested modification is major, including a substantial modification of the PUD District design, density, use, circulation or open space, all requested modifications shall be subject to the approval process beginning in subsection (d) of this section, as in the case of a preliminary development plan. If the Commission determines that all requested modifications are minor, they shall be subject to the approval process beginning in subsection (f) of this section, as in the case of a final development plan.

1127.12 PRELIMINARY DEVELOPMENT PLAN.

A preliminary development plan shall be required for all Planned Unit Development (PUD) Districts and shall be approved prior to and made part and parcel of any such zoning district applied in the City. Once approved by the Planning Commission, and then by Council in accordance with Section 1127.11, the preliminary development plan shall be binding on the owner, successor, heirs and assigns. The preliminary development plan may be revised and amended only if submitted to and approved by the Planning Commission and Council following the provisions of Section 1127.11. However, once a preliminary development plan is approved, Council is under no obligation to amend an approved preliminary development plan. The preliminary development plan required in this chapter shall be defined as per this section and shall contain the following information:

(a) Survey or engineering drawing of the development area to be approved as a PUD District.

(b) Permanent parcels including parcel numbers and dimensions of all parcels or portions contained in the proposed District.

(c) Location and number of dwellings by dwelling type in each area, acreage of each area and densities in each area of the District.

(d) Location of existing and proposed public roads.

(e) Minimum peripheral setbacks around the perimeter of the District.

(f) Location of all existing structures in the District and any structures within twenty- five feet of the boundary of the proposed District.

(g) Schedule of construction or phases of the development.

(h) Location, type and size of any easements, covenants, deed restrictions or other restrictions proposed or recorded.

1127.13 FINAL DEVELOPMENT PLAN.

(a) A final development plan shall be submitted and approved prior to the application of building permits. The procedure and requirements for the final development plan shall be as provided in Chapter 1141. A tree preservation plan shall be provided as part of the final development plan. The final development plan may be phased for portions of the development area within the development plan. Each phase of development shall contain all necessary improvements to support that phase including but not limited to: utilities, retention, access, fire protection, parking, lighting, landscaping, buffering and required trees. Each phase shall also comply with all other codes and ordinances of the City to the extent not expressly modified by the specific terms contained in this section of the Codified Ordinances.

(b) In addition to the requirements set forth in subsection (a), ninety days prior to the application for a final development plan for a development permitted under this section, the applicant shall prepare and submit for approval by the Planning Commission, a design manual to establish the architectural design specifications and general design guidelines for the entire Planned Unit Development proposed. The design manual shall include, but not be limited to, and shall provide examples of, architectural style of buildings, design features, exterior finish materials of buildings, basic design of streets, street furniture and fixtures, lighting specifications, signing standards for all street and building signage, general landscaping design, sidewalk and pedestrian plaza design criteria and other design elements of the development.

(c) In addition to the procedures established in this section and in Chapter 1141, the final development plan and design manual, once approved by the Planning Commission, shall be subject to the approval of Council. Upon Council's approval of the final development plan, the Building Commissioner shall cause the zoning map of the City to reflect the inclusion of the PUD District as an overlay district in relation to the zoned districts on the zoning map.

(d) The final development plan and any open permits issued thereunder shall be revoked by the Building Commissioner, after 30 days' notice to the property owner and permittee, if substantial construction on the development has not occurred within two years of the date of Council's final approval thereof, or if any phase of the project has not been completed within two years of its completion date in the final development plan. Council may grant extensions of these deadlines. If construction on a property is permanently discontinued as a result of permit expiration or revocation or for any other reason, the property owner and permittee shall repair any excavation, rough grading or other earth work and restore the site to a safe condition and attractive appearance, as approved by the Building Commissioner.

1127.14 CONSTRUCTION.

A PUD District shall be deemed only an overlay district in relation to the zoned districts in this Zoning Code, and not a rezoned district. With respect to any PUD District, Council's approval or amendment of an ordinance to permit the property preliminarily to be made part of a PUD District, the preliminary development plan, the final development plan, the design manual

and related and incidental plans and measures, and the City's amendment of the zoning map shall not be deemed a rezoning or zoning measure as those terms are used in the Charter of the City.

