

CHAPTER 1152
Planned Unit Residential Development Regulations

- 1152.01 Purpose.
- 1152.02 Approval of planned unit residential developments.
- 1152.03 Minimum project area.
- 1152.04 Dwelling types.
- 1152.05 Density and open space regulations.
- 1152.06 Restricted open space requirements.
- 1152.07 Development and site planning standards.
- 1152.08 Dwelling unit requirements.
- 1152.09 Street, drive and walkway requirements.
- 1152.10 Supplemental requirements.
- 1152.11 Homeowners associations.
- 1152.12 Phased development.
- 1152.13 Plan approval.

1152.01 PURPOSE.

Planned Unit Residential Developments (PURD) shall be permitted in the R-1 District to encourage and accommodate creative and imaginative PURDs that provide alternative housing types and the preservation of open space in a unified project. In compliance with the following regulations, it is intended that PURDs will utilize innovations in the technology of land development that are in the best interests of the City. These regulations are designed to achieve, among others, the following objectives:

- (a) To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- (b) To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation, the provision of readily accessible open space and recreation areas and the creation of functional and interesting residential areas.
- (c) To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.
- (d) To ensure that planned unit residential developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations.

1152.02 APPROVAL OF PLANNED UNIT RESIDENTIAL DEVELOPMENTS.

In addition to the general review procedures for development plans, the Planning Commission shall review a proposed PURD to ensure that:

- (a) Buildings and uses within the proposed development are located so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development;
- (b) Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
- (c) The bulk and height of buildings within the proposed development are compatible with the surrounding development;
- (d) Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards or congestion;
- (e) The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development.

1152.03 MINIMUM PROJECT AREA.

The area proposed to be developed as a PURD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PURD boundaries. The gross area of a tract of land in a PURD shall not be less than 10 acres.

1152.04 DWELLING TYPES.

The types of dwelling units that may be included as part of a PURD in the R-1 District are listed in Schedule 1152.04.

Schedule 1152.04

a) Single-family detached dwellings on subdivided lots	P
b) Cluster single-family detached dwellings	P
c) Single-family attached dwellings provided there shall be no more than (3) units attached in any one building	C
P = Principal Use Permitted by Right C= Conditional Use	

1152.05 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of a PURD shall comply with the following:

- (a) Maximum Density. The gross density of a PURD shall not exceed 4 dwelling units per acre. The maximum number of dwelling units permitted for a particular site shall be calculated by:
 - (1) Deducting the following from the total project area:
 - A. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - B. The area of land that is within a floodplain, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in subsection (c) below. Where floodplains, wetlands, and/or water bodies overlap, they shall be counted only once.
 - (2) Multiplying the result of subsection (1) by the maximum number of dwelling units permitted per acre set forth in subsection (a) above.
- (b) Maximum Net Density - Units on Any One Acre.
 - (1) The number of dwelling units permitted on any one acre of the site shall not exceed 8 units.
 - (2) An imaginary square, approximately 209 feet by 209 feet, shall be used to determine the maximum number of units on any one-acre of the site.
- (c) Minimum Restricted Open Space. A minimum of 20 percent of the total project area shall be devoted to restricted open space, in compliance with the requirements set forth in Section 1152.06.

1152.06 RESTRICTED OPEN SPACE REQUIREMENTS.

The restricted open space shall comply with the following:

- (a) General Standards.
 - (1) The restricted open space shall be located and designed to the satisfaction of the Planning Commission and shall:
 - A. Be sufficiently aggregated to create large areas of planned open space;
 - B. Conserve significant topographic and natural features to the extent practicable;

- C. Be easily accessible to residents of the PURD;
 - D. Be not less than 50 feet in width at any point;
 - E. Be connected with open space areas on abutting parcels, wherever possible, by open space corridors.
- (2) Land area devoted to the following shall not be included as meeting the restricted open space requirement:
- A. Public rights-of-way;
 - B. Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Planning Commission when providing access to the restricted open space;
 - C. Required setbacks for buildings and parking areas from the project boundaries, and public streets, unless the required setback is contiguous to and part of a larger area of restricted open space;
 - D. Required spacing between buildings and between buildings and parking areas;
 - E. Private yards within subdivided lots;
 - F. A minimum of 15 feet between buildings and restricted open space.
- (3) Areas designated for restricted open space purposes may be:
- A. Preserved in their natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area; or
 - B. Used for outdoor active or passive recreation for the use and/or enjoyment of the residents of the proposed development. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access.
- (4) Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- (5) Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.

- (b) Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City Attorney and duly recorded in the Office of the Recorder of Deeds of Williams County.
- (c) Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the City, or a land trust or other conservation organization recognized by the City.

1152.07 DEVELOPMENT AND SITE PLANNING STANDARDS.

The following specific development standards shall be adhered to in the design and layout of any PURD.

- (a) Setbacks from Existing Rights-of-Way. The setback of buildings, structures, parking areas and active recreation areas from an existing public street right-of-way shall not be less than 30 feet.
- (b) Setback from Project Boundary. The setback of buildings, structures, parking areas and active recreation areas from any project boundary, other than a public street, shall not be less than 25 feet.
- (c) Setback from Interior Street. The setback of buildings, structures, parking areas and active recreation areas from any proposed interior street shall not be less than the following:
 - (1) 25 feet from the right-of-way of a proposed public street.
 - (2) 20 feet from the pavement of a private street.
- (d) Minimum Spacing Between Buildings. In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth below. These distances may be reduced when the Planning Commission finds that adequate landscaping and screening is provided to ensure privacy between units.
 - (1) End Wall to End Wall: 15 feet.
 - (2) End Wall to Main Wall: 25 feet.
 - (3) Main Wall to Main Wall: 40 feet. However, when the main wall of one dwelling overlaps the main wall of a second dwelling, the minimum separation shall be 40 feet or equal to the length of the overlap, whichever is greater.

- (e) Definitions. The following definitions shall apply to terms used in this Section.
 - (1) Main Wall. The outside wall(s) of a building, which contains the primary windows of any living, family or dining room.
 - (2) End Wall. The outside walls other than a main wall of a building, which may be blank or contain windows not considered to be primary windows.
- (f) Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a PURD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.
- (g) Lot Requirements.
 - (1) Dwelling units are not required to be on lots. However, when lots for standard detached single-family dwelling units or sublots for single-family cluster or attached dwelling units are included as part of a PURD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this Section.
 - (2) The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.
- (h) Required Buffer. When attached single-family units are proposed as part of a PURD, a buffer area with a minimum width of 20 feet shall be located within the required setbacks from the project boundary specified in this Section and shall be landscaped in accordance with Chapter 1167.

(i) Resource Protection Regulations:

- (1) All buildings, structures or land within a flood hazard boundary, as established by the City, shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part only for a use listed below:
 - A. Outdoor recreational facilities including swimming pools, riding academies, playing fields, ball fields, courts, trails, and other similar recreational facilities;
 - B. Fencing that allows the passage of water;
 - C. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt, pervious concrete or combinations of geotextiles with sand, gravel and sod.
- (2) Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:
 - A. A buffer area having a width not less than 20 feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.
 - B. A minimum building and pavement setback of 35 feet, measured from the edge of the designated wetland.

1152.08 DWELLING UNIT REQUIREMENTS.

Each dwelling unit shall comply with the minimum floor area and siting requirements set forth in Section 1151.06.

1152.09 STREET, DRIVE AND WALKWAY REQUIREMENTS.

(a) General Street Design Criteria.

- (1) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
- (2) Street alignments should follow natural contours and be designed to conserve natural features.

- (b) Street and Drive Requirements.
- (1) A street shall be required to be a public, dedicated street when such street:
- A. Provides access to detached single-family dwellings on subdivided lots.
 - B. Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments.
- (2) Streets that are not otherwise required to be public streets pursuant to subsection (1) above may be approved as private streets. The Planning Commission may approve private streets when all of the following requirements are met:
- A. A private street shall not be planned or be expected to extend to serve property outside the planned unit residential development.
 - B. The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Bryan City Street, Police, and Fire Departments.
 - C. Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
- (3) When serving 10 or fewer units, private streets may be constructed to a design speed less than 25 mph when the Planning Commission determines that a lower design speed is appropriate to achieve the objectives of the development. Such private streets shall comply with the following:
- A. The minimum pavement width shall be 20 feet for a two-way street and 16 feet for a one-way street.
 - B. Horizontal and vertical alignments shall meet a 20-mph. design speed.
 - C. Turnarounds with a radius equal to that required by the Bryan Subdivision Regulations for public streets shall be provided for any single access private street that exceeds 800 feet.

- (4) All elements of a private street that are to be provided in a PURD shall be constructed in accordance with the construction standards set forth for public streets in Chapter 1135.
- (5) Common drives shall be permitted in compliance with the following requirements:
 - A. A common drive shall serve no more than four units.
 - B. A common drive shall extend from a public street and shall not connect to any other existing or planned public street.
 - C. The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Bryan City Street, Police, and Fire Departments.
 - D. Right-of-ways are not required for common drives; however, a utility easement may be required along the length of the common drive.
 - E. All common drives shall be paved and have a minimum width of 12 feet.
 - F. Whenever a common drive is included in a planned residential development, deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said common drive.”
- (c) Pedestrian Circulation and Walkways. A pedestrian circulation system shall be included in the PURD. The system shall provide convenient pedestrian access throughout the PURD and from the PURD to other areas of the community. Walkways shall be constructed of concrete or asphalt unless otherwise permitted by the Planning Commission.

1152.10 SUPPLEMENTAL REQUIREMENTS.

- (a) Privacy for individual principal buildings shall be maintained through the use of landscaping and screening.
- (b) Street lighting and street signs shall be adequate for safety and security.
- (c) Stormwater detention shall be required for all developments.

- (d) All utilities required to serve a development shall be located underground.
- (e) Additional development requirements formulated to achieve the objectives of this Chapter may be established at the time the PURD development plan is reviewed. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed PURD.

1152.11 HOMEOWNERS ASSOCIATIONS.

As part of a planned unit residential development, a homeowners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required restricted open space, private streets and common drives.

- (a) The City Attorney shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - (1) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in a condominium.
 - (2) The Association shall be responsible for maintenance, control, and insurance of restricted open space and common areas.
 - (3) The Association shall have the power to impose assessments on members for the maintenance, control and insurance of restricted open space and common areas, and have the power to place liens against individual properties for failure to pay assessments.
- (b) The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of seventy-five (75) percent of its members, (ii) having established a successor entity to take over said property pursuant to the City's Planning and Zoning Code; and (iii) the approval of City Council.
- (c) The Association shall convey to the City and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, 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 vacant building lots.

1152.12 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. Restricted open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of recreation facilities shall be clearly identified on a phasing plan.

1152.13 PLAN APPROVAL.

The applicant for a planned unit residential development shall submit development plans in accordance with Chapter 1183.