

**Planned Unit Development District**

---

**Chapter  
1117**



## Section 1117.01 Purpose

---

It is recognized that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable in all situations to best achieve the objectives of the City relative to desired land use and preservation of its resources and character. In order to permit and encourage more creative and innovative land development for the benefit of the community as a whole and in furtherance of the vision and goals of the City of Hilliard Comprehensive Plan, planned unit development may be permitted as a zoning district to achieve the following purposes:

- A. provide for flexibility in development that will result in a better project for the developer, residents and users, as well as for the City in general;
- B. preserve existing natural assets, such as stands of trees, floodplain, open fields, wetlands, lakes, streams and the like;
- C. accomplish a more desirable and sustainable residential environment than would be possible through the strict application of minimum requirements of this Code;
- D. encourage the utilization of open space and the development of recreational amenities generally located within walking distance of all living units;
- E. encourage the use of lands in ways which are most in accord with their character and adaptability; and
- F. encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.

## Section 1117.02 Qualifying Conditions

---

At a minimum, all proposed planned unit developments shall meet the following qualifying conditions, as applicable, to be considered for approval:

- A. *Location.* Planned unit developments may be located in any part of the City, subject to meeting all other applicable requirements.
- B. *PUD Purpose:* The applicant shall demonstrate that the planned unit development will achieve two or more of the purposes listed in *Section 1117.01*.
- C. *Size:* The minimum site size for a planned unit development shall be based on the type of development, as shown in the following table. Churches, public or private schools, public buildings, and recreational amenities such as golf courses and health clubs and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition. Sites containing less than the minimum required acreage may be approved by the City Council, if the Council determines that the site will advance the purposes of the planned unit development District and:
  - 1. rezoning the property to PUD will not result in a significant adverse effect upon nearby properties;
  - 2. the proposed uses will complement the character of the surrounding area;
  - 3. the purpose and qualifying conditions of the PUD District can be achieved within a smaller area; and
  - 4. PUD zoning is not being used as a means to circumvent conventional zoning requirements.

<b>PUD Type</b>	<b>Minimum Required Site Size</b>
All residential	20 acres
Mixed residential/non-residential	40 acres
All non-residential	10 acres

- D. *Housing Variety*: A residential planned unit development shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability.
- E. *Utilities*: The planned unit development shall be served by public water and sanitary sewer facilities.
- F. *Ownership and Control*: The tract(s) of land for which a PUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PUD application.
- G. *Recognizable Public Benefit*: The planned unit development shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PUD.
1. Preservation of significant natural features
  2. A complementary mix of land uses or housing types
  3. Preservation of common open space beyond the minimum required
  4. Connectivity of preserved open space with adjacent open space, greenways or public trails
  5. Coordinated development of multiple small lots or parcels
  6. Removal or renovation of deteriorating buildings, sites or contamination clean-up

### **Section 1117.03 Permitted Uses**

Any land use or combination of land uses may be considered for inclusion within a planned unit development.

### **Section 1117.04 Development Requirements**

- A. *Minimum Lot Size and Zoning Requirements*: Lot area, width, setbacks, height, lot coverage, minimum floor area, parking, landscaping, lighting and other requirements for the district specified in the following table for the proposed use shall apply to all such uses within a planned unit development, unless modified in accordance with the provisions of Section 1117.04 B.

<b>Land Use Type</b>	<b>Applicable Zoning District</b>
Single family residential	R-3, Moderate Density Residential
Two family residential	R-3, Moderate Density Residential
Town home	R-4, High Density Residential
Multiple family	R-4, High Density Residential
Retail, office, service business	B-4, I-270 Corridor

Industry	M-1, Restricted Industrial
Institutional	S-1, Support Facilities

- B. *Modification of Minimum Requirements:* District regulations applicable to a land use in the planned unit development may be altered from the requirements specified in Table 1117.04, including but not limited to, modification from the lot area and width, building setbacks, height, lot coverage, signs and parking. However, a reduction in lot size shall not result in an increase in the number of dwellings otherwise permitted by the applicable zoning district. The applicant for a planned unit development shall identify, in writing, all proposed deviations from the zoning district requirements. Modifications may be approved by the City Council during the preliminary development plan review stage, after Planning and Zoning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the planned unit development District, as expressed in Section 1117.01.
- C. *Density Bonus:* In addition to the modification of minimum requirements permitted in Section 1117.04 B., the City Council, after Planning and Zoning Commission recommendation, may permit an increase in the total number of residential units allowed within a planned unit development where it is demonstrated that at least three of the following amenities will be included within the development.
1. Dedicated common open space is provided in excess of the minimum required, per Section 1117.04 D.1
  2. One or more parking structures are proposed to meet the minimum parking requirements of this Code
  3. Varying housing types (e.g., single family detached, two-family, townhomes and/or multiple family).will be incorporated into the development
  4. Low Impact Design (LID) techniques will be employed to minimize storm water runoff and impacts to the City's storm water sewer system
  5. Facilities (e.g., shelter or turn-out) will be provided to support transit service
  6. The proposed development clearly demonstrates conformity with specific goals and recommendations of the City's Comprehensive Plan
  7. Three or more public benefits, as identified in Section 1117.02 G., will be achieved
- D. *Common Open Space:* For purposes of the planned unit development requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space within a planned unit development:
1. The area of common open space shall not be less than 20 percent of the gross land area of a planned unit development containing any residential units and not less than 10 percent of the gross land area in non-residential developments. Land dedicated for recreation shall

- count toward the common open space requirement. However, fees paid in-lieu-of land dedication shall not satisfy the open space requirement.
2. All common open space shown on the Final Development Plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
  3. The open space shall meet the following minimum dimensional, contiguity and connectivity requirements:
    - a. The required open space shall be centrally located, along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
    - b. Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
    - c. If the site contains a lake, stream or other body of water, the City may require that a portion of the required open space shall abut the body of water.
    - d. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the Planning and Zoning Commission or City Council may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.
    - e. Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths or pedestrian paths.
    - f. Grading in the open space shall be minimal, with the intent to preserve existing topography where practical.
    - g. A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) and building(s), shall not exceed, in the aggregate, one percent of the open space area. Accessory structures or uses of a significantly different scale or character than abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the Planning and Zoning Commission or City Council.
    - h. The following areas shall not qualify as required common open space for the purposes of this section.
      - i. The area within any public street right-of-way.
      - ii. The area within private road easements.
      - iii. Any easement for overhead utility lines cannot exceed 50 percent of the total open space requirement, and cannot count towards parkland dedication.

- iv. Fifty percent of any steep slopes (12 percent or over) and habitats of endangered species.
  - v. Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.
  - vi. The area within a subdivision lot.
  - vii. Land within any required yard or setback area.
  - viii. Parking and loading areas.
  - ix. Fifty percent of the area of any golf course.
- E. *Connectivity*. Pathways for bicycles and pedestrians shall be incorporated throughout the planned unit development and along all perimeter streets to ensure connectivity between uses and with adjacent properties. Pathways and sidewalks shall be constructed in accordance with the City of Hilliard Design Manual.

### **Section 1117.05 Application Process**

---

- A. *Pre-application Conference*. Prior to submitting a formal application, the applicant shall schedule a meeting with the City Planner to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures and the proposed development concept. The City Planner shall notify other City staff such as the City Planner, Director of Public Service and Fire Chief. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the City.
- B. *Preliminary Planned Unit Development Review and Rezoning*. The following procedures shall be followed for the review of any planned unit development request.
1. Application. An application for rezoning to planned unit development District shall be submitted to the City Planner by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, and a concept plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning and Zoning Commission.
    - a. *Concept Plan*. A Concept Plan shall be submitted and include the following:
      - i. Name, address, phone number and email address of the applicant
      - ii. Name, address, phone number and email address of the professional or firm that prepared the plan
      - iii. Legal description of the property
      - iv. North arrow, scale and title block
      - v. General location map
      - vi. Existing zoning on the subject property and all abutting properties
      - vii. Property boundary survey

- viii. Adjacent buildings and structures within 100 feet of the property boundaries
  - ix. All perimeter streets abutting the property, including right-of-way width
  - x. Existing topographic conditions (two foot intervals)
  - xi. Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
  - xii. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan
  - xiii. Uses proposed within the planned unit development
  - xiv. Number and type of dwelling units proposed
  - xv. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
  - xvi. Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials
  - xvii. A list of the names and addresses of all property owners within 200 feet of the subject property.
- b. Project Narrative. A written statement shall also be submitted with the application, providing the following information:
- i. Statement of how the planned unit development meets each of the Qualifying Conditions specified in Section 1117.02
  - ii. Identification of the present owners of all land within the proposed project
  - iii. Explanation of the proposed character of the planned unit development, including a summary of acreage by use, number and type of dwelling units, gross density, area and percent of the project to be preserved as common open space, minimum lot sizes by type of use
  - iv. A complete description of any requested deviations, in accordance with Section 1117.04 B., from the minimum spatial or other requirements applying to the property.
  - v. An explanation of why the proposed development should be given a density bonus, if applicable, in accordance with Section 1117.04 C.
  - vi. A general description of the proposed development schedule and anticipated phases.
  - vii. Intended agreements, provisions and covenants to govern the use of the development, approval of building materials and architectural styles and any common open space areas to be preserved
2. Planning and Zoning Commission Review. Following receipt of a complete application package, the City Planner will cause the application materials to be forwarded to the Planning and Zoning Commission for review. At the next regularly scheduled meeting after submission of a complete application and all required plans and information, the Planning and Zoning Commission shall conduct a public hearing as follows:
- a. Notice of hearing. The following notices shall be provided:
    - i. Written notice of the hearing shall be mailed by first class mail from the office of the City Planner to all property owners within 200 feet of the subject property. The notice shall be sent at least ten (10) days before the day of the hearing and shall

contain the time, place and purpose of the hearing. A failure to notify, as provided in this section, shall not invalidate any proceedings or actions taken by the Planning and Zoning Commission or City Council.

- ii. Notice to the general public of the Commission's agenda shall be publicized in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing.
  - iii. Fourteen (14) days prior to the date of the public hearing, the agenda of the Commission meeting shall be displayed on the City's website and on the public bulletin board at City Hall, containing information as to the time and place(s) at which the application and all related plans and information may be examined by the public.
- b. Public hearing. The Planning and Zoning Commission shall conduct a public hearing in accordance with its rules of procedure.
  - c. Recommendation. Upon voting on the application, the Commission shall forward its recommendation to Council, through the City Planner, that the Preliminary Concept Plan and planned unit development zoning be approved as presented, approved with supplementary conditions, or not approved. The recommendation shall be based on the standards of Section 1117.06.
3. City Council Action. Within 60 days of receiving the recommendation from the Planning and Zoning Commission, Council shall conduct a public hearing prior to taking final action on the request.
    - a. Notice of hearing. Notice to the general public and property owners within 200 feet shall be as provided in Section 1117.05(B)(2)(a) above.
    - b. Public hearing. The City Council shall conduct a public hearing in accordance with its rules of procedure.
    - c. Action. After the public hearing, Council shall vote to approve, approve with supplementary conditions or not approve the Preliminary Concept Plan and zoning change, based on the standards of Section 1117.06.
    - d. Failure of the applicant to comply with any conditions of approval shall be considered a violation of the Zoning Code and is subject to all applicable enforcement, remedies and penalties available to the City in law or equity and as provided for in this Code.

C. *Final Planned Unit Development Review*: The following procedures shall be followed for the review of the Final Development Plan.

1. Timing. An application for Final Development Plan approval shall be filed not later than 24 months after the effective date of City Council approval of the Concept Plan, otherwise the Concept Plan approval shall expire. One extension of up to six months may be authorized by the Planning Commission for good reason and justifiable cause. The applicant must demonstrate they have made a good faith attempt to work towards a Final Development Plan submittal. The applicant shall submit the request for extension in writing to the City Planner who shall present the request to the Planning Commission, who shall make a written determination regarding their decision to extend or deny the extension. Both the request and the determination shall be made part of the record. If the applicant fails to submit a Development Plan within this timeframe, the applicant must submit a new

- development plan.
2. Pre-application Conference. Prior to submitting a formal application, the applicant shall schedule a meeting with the City Planner to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the Concept Plan approval, review procedures and the proposed Final Development Plan. The City Planner shall notify other City staff such as the City Planner, Director of Public Works and Fire Chief. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the City.
  3. Application. An application for approval of the Final Development Plan shall be submitted to the City Planner by the property owner or owner's authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the City Council, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning and Zoning Commission.
    - a. Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Concept Plan and containing all information required in Section 1131-5 for a Level B site plan, shall be submitted with the required application
    - b. Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:
      - i. proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
      - ii. identification of the entity responsible for maintenance of common areas;
      - iii. description of all deviations from the otherwise applicable zoning requirements;
      - iv. net and gross density of any residential component of the project;
      - v. open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
      - vi. restrictions or requirements regarding architectural style and/or building materials;
      - vii. improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
      - viii. an anticipated development schedule by phase, if applicable.
  4. Phased Projects. If a proposed planned unit development is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given Concept Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Concept Plan. The Planning and Zoning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
  5. Planning and Zoning Commission Review. Following receipt of a complete application package, the City Planner shall cause the application materials to be forwarded to the

Planning and Zoning Commission for review. At its next regularly scheduled meeting after submission of a complete application and all required plans and information, the Planning and Zoning Commission shall consider the application and take action to approve, approve with supplementary conditions or not approve the Final Development Plan, based on the review standards of Section 1117.06 and the site plan review standards of Section 1131-6.

6. Performance Guarantee. In conjunction with the approval of a Final Development Plan, the petitioner may be required to provide a performance guarantee for all public and common improvements, in accordance with Section 1141-5.

## **Section 1117.06 Review Standards**

---

In considering a planned unit development request, the Planning and Zoning Commission shall find that the proposed development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- A. *Purpose of PUD*. The proposed development shall be consistent with the stated Purpose of this district, as found in Section 1117.01.
- B. *Qualifying Conditions*. The proposed development shall satisfy each of the Qualifying Conditions, as stated in Section 1117.02.
- C. *Comprehensive Plan*. The planned unit development shall be consistent with the recommended future land use patterns, goals and guiding principles contained in the City of Hilliard Comprehensive Plan.
- D. *Surrounding Uses*. The development shall be compatible with the existing and intended uses surrounding the subject property.
- E. *Natural Environment*. The design and layout of the planned unit development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation.
- F. *Public Facilities and Services*. The proposed development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- G. *Protects Health, Safety and Welfare*. The planned unit development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- H. *Consistent with All Applicable Standards and Requirements*. The proposed development shall conform to all applicable requirements of this Code, unless specifically modified and approved, as authorized by Section 1117.04 B.
- I. *Final Development Plan*. The Final Development Plan is substantially consistent with the representations made and plans shown during the prior Concept Plan stage of approval.
- J. *Recognizable and Substantial Benefits*. Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the project and to the community, which would not otherwise be feasible or achievable under conventional zoning districts.

## **Section 1117.07 Commencement of Construction**

---

Construction shall have commenced and proceeded meaningfully toward completion within 12 months of the date of Final Development Plan approval, in accordance with the following:

- A. If construction has not commenced within 12 months, the applicant may request one extension of up to 12 additional months. The request shall be submitted, in writing, to the Planning and Zoning Commission prior to the expiration of the original 12 month time limit

and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PUD. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the PUD final development plan shall become null and void.

- B. Following expiration of the time limits, the City Council may initiate proceedings to rezone the PUD site to some other district(s).
- C. For purposes of this section, meaningful progress toward completion shall mean, at a minimum, any of the following: site clearing, rough grading, and installation of infrastructure improvements such as underground utilities.

### **Section 1117.08 Changes to Approved Planned Unit Development**

---

Changes to an approved Final Development Plan shall be permitted only under the following circumstances:

- A. The holder of an approved Final Development Plan shall notify the City Planner of any proposed change to the approved plan.
- B. Minor changes may be approved by the City Planner upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes are defined as being one or more of the following:
  - 1. Reduction in building size or increase in building size up to five percent of the total approved floor area;
  - 2. Movement of building or other structures to a location that meets all established setbacks;
  - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
  - 4. Changes in building materials to a comparable or higher quality;
  - 5. Changes in floor plans which do not alter the character of the use;
  - 6. Changes in parking layout that do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
  - 7. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change to an approved Final Development Plan that does not meet one of the criteria in 1117.08(B)(1) through (5) above shall be considered an amendment to the approved Final Development Plan and a request for modification shall be submitted to the Planning and Zoning Commission and reviewed in accordance with the procedures established for the Final Development Plan review and approval process.
- D. When, in the judgment of the Planning and Zoning Commission, the proposed requested modification(s) substantially deviates from the approved Concept Plan, the requested modification(s) shall be reviewed by the Commission as an Amended Concept Plan, and shall meet be reviewed in accordance with the provisions of Section 1117.05(B) for the approval of a Concept Plan. Sections 1117.05 through 1117.07 apply to Amended Concept Plan applications.

### **Section 1117.09 Existing planned unit developments**

---

Within the city, there are existing planned unit developments variously referenced as planned unit development, planned neighborhood district, planned industrial park district and commercial planned unit development district, identified on the zoning map as “PUD\*”. These developments shall be exempt from the requirements of this Chapter and shall conform to the prior approved development plans for each respective project. However, any expansion, alteration or modification of the existing approved developments that constitutes a major change, as defined in Section 1117.08, shall be subject to the procedural requirements of a rezoning to establish a new PUD based on the standards as outlined herein.