

Chapter 1159

U-5 Chagrin Northwest Residential & Planned Development Conservation District

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1159.01 Purpose

The purpose of this Chapter 1159 is to authorize the Village Council and Planning Commission to approve one or more Planned Developments within the boundaries of the specific area of the Village described in Section 1159.03(a) below. Included within the purpose of this Chapter are the following:

- (a) To implement the goals, policies, and strategies of the Village Comprehensive Land Use Plan by allowing a limited mix of dwelling types in a carefully designed, high quality residential environment in this specific area. Planned development was recommended in the master plan for this specific area of the Village.
- (b) To encourage development of this specific area of the Village - which is unique in terms of location, accessibility, proximity to public facilities and commercial services, and limited impact on other parts of the Village - in a manner which generates maximum benefit for the community in terms of housing opportunities, development value, and tax revenues.
- (c) To encourage residential development which responds to the needs and interests of Village residents seeking alternative residential opportunities within the Village while maintaining the predominant large lot residential character of the community.
- (d) To permit a potential dwelling unit density of up to approximately four (4.0) units per acre based on the residential and open space portions of the Planned Development consistent with the unique conditions in this area of the Village, in consideration of the potential for community benefits which may accrue from such development, and subject to the more stringent requirements for common open space, architectural control, buffering of abutting uses and other requirements imposed upon a Planned Development by this Chapter and through the specified review and approval process.
- (e) To permit and encourage a creative and cohesive plan of residential development under more flexible guidelines than applicable to conventional residential subdivisions.
- (f) To establish planned development standards which both protect the established development pattern, value and function of the community and surrounding properties and make it possible to pursue the other objectives set forth in this Chapter.
- (g) To require a more detailed process of review, including public hearings, as appropriate for consideration of plans reflecting this unique development concept.
- (h) To encourage the efficient use of land by facilitating economical and suitable arrangements for buildings, streets, utilities and other land use features.
- (i) To encourage the utilization of open space and the development of recreational amenities appropriate for and easily accessible to all dwellings in the development.
- (j) To require and facilitate preservation of existing natural assets and site features and minimize alteration of environmentally sensitive areas, including, but not limited to, steep slopes, wetlands, riparian corridors, ravines, significant stands of trees, and individual trees of significant size.

1159.02 Regulations Applicable to the Chagrin Northwest Residential and Planned Development Conservation District

All land located within the Chagrin Northwest Residential and Planned Development Conservation District as described in Section 1159.03(a) shall be regulated by the provisions of Chapter 1151 U-1 Dwelling House District Regulations and all other provisions of this Planning and Zoning Code applicable to the U-1 Dwelling House District. All land located within the District shall be permitted to apply for Planned Development subject to the provisions set forth in this Chapter.

1159.03 Qualifying Conditions for Planned Development

A property shall only be eligible to apply for approval of a Planned Development if in compliance with the following minimum qualifying conditions. Before the property is approved for Planned

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Development, the proposed plan shall also comply with all other provisions and procedures set forth in this Chapter. The minimum qualifying conditions include:

(a) The property or group of properties shall be wholly located within the area described as follows:

The area of the Village of Moreland Hills containing the properties having the following permanent parcel numbers:

PPN 91201001
PPN 91201003
PPN 91201002
PPN 91201004
PPN 91201011
PPN 91201005
PPN 91201012

- (b) Property which is not wholly located within the area described in subsection (a) above shall not be permitted to apply for planned development.
- (c) Ownership and Control: The land for which a Planned Development application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the properties intended to be included within the Planned Development.
- (d) The property for which a Planned Development application is filed shall total at least eighteen (18) acres of land exclusive of existing public rights-of-way. All properties included within the total area shall be contiguous and shall not be separated by existing public roads or other areas which limit use for purposes of the Planned Development. The total aggregate of frontage on Chagrin Boulevard shall be at least two hundred feet (200').

1159.04 General Standards for Planned Development

(a) Chagrin Boulevard Frontage Design Standards

The design of any Planned Development shall contribute to the efficient function and valuable appearance of Chagrin Boulevard by complying with the following:

- (1) Vehicular access to and from properties shall be provided by a limited number of new access roads intersecting with Chagrin Boulevard.
- (2) Direct access to and from Chagrin Boulevard from a lot with frontage thereon shall only be permitted where it is found that it is not feasible to provide access for that lot from the approved new access roads.
- (3) All structures shall be set back at least one hundred feet (100') from the Chagrin Boulevard right-of-way.
- (4) All parking, drives and other vehicular facilities shall be set back at least seventy-five (75') from the Chagrin Boulevard right-of-way.
- (5) A landscaped area shall be designed, installed, and maintained extending along the entire Chagrin Boulevard frontage to a depth at least seventy-five feet (75') therefrom. A detailed plan for the landscaped area shall be provided by the applicant as part of the Planned Development review process.

(b) Common Open Space Requirements

- (1) Common Open Space. For purposes of the Planned Development requirements, "common open space" is defined as an area of land 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

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accessory structures and improvements necessary or desirable for educational, noncommercial, recreational or cultural uses.

- (2) General Standards. Common 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 landscape natural features to the extent practicable;
 - C. Be accessible to residents of the Planned Development;
 - D. Be not less than fifty (50) feet in width at any point;
 - E. Be interconnected with open space areas on abutting parcels wherever possible, by open space corridors.
 - F. The preferred features of required open space, as appropriate for the conditions of a specific Planned Development include: centrally located; along the street frontage of the development to protect or enhance views as set forth in Section 1159.04(a) (5); located to preserve significant natural features; and/or located to interconnect other open spaces throughout the development or on contiguous properties.
 - G. 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 yards of those lots abutting it.
 - H. If the site contains a lake, stream or other body of water, the Planning Commission may require that a portion of the required open space shall abut the body of water.
 - I. All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents of the Planned Development, visitors and other users of the development.
- (3) Minimum Required Open Space Area. At least twenty percent (20%) of the total land area of the planned development shall be designated and used as common open space. The required area of common open space may include all or part of the minimum landscaped area required on the Chagrin Boulevard frontage (see section 1159.04(a)(5)) provided that it shall not constitute more than 25% of the total required common open space.
- (4) Land area devoted to the following shall not be included as meeting the open space requirement:
 - A. Proposed new or existing 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 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; except that the minimum landscaped area required on the Chagrin Boulevard frontage (see section 1159.04(a)(5)) may be included as up to 25% of the total required common open space.
 - D. Required spacing between buildings, such as in clustered areas without lots or condominiums, and parking areas.
 - E. Private yards within subdivided lots.
- (5) Areas designated for common purposes must be:
 - A. Preserved in their natural state as steep slopes, 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, but shall not be used for organized sports, such as tennis courts, swimming pools, or athletic fields. Any open space intended to be devoted to

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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.

- (6) Any area within the 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.
- (7) Such open space, including any recreational facilities proposed to be constructed in such open space, shall be clearly shown on the Planned Development plan.
- (8) Prohibition of Further Subdivision of Open Space. Open space shall be prohibited from further subdivision or development and required to remain in its natural state by a deed restriction in a form acceptable to the Law Director and duly recorded in the Office of the Cuyahoga County Fiscal Officer. Such open space shall be identified as separate parcel(s) on the plat and shall be noted in covenants and deed restrictions.
- (9) Maintenance of Open Space. A perpetual maintenance plan for the common open space shall be submitted to the Village for review and approval by the Law Director and the Building Official. The perpetual maintenance plan shall set forth responsibility for maintenance of all such common open space and describe the method of financing for the maintenance program. The perpetual maintenance plan shall become part of the Final Development Plan.

(c) Landscaping and Buffers

Except as otherwise provided in this Chapter 1159, the provisions of Chapter 1175, Landscaping and Screening Regulations, shall apply to Planned Development.

(d) Environmental Regulations

The provisions of Chapter 1173, Environmental Regulations shall apply to Planned Development.

(e) Infrastructure

- (1) Subdivision Improvements. All areas of a Planned Development shall comply with the provisions of Title Three – Subdivision Regulations of this Planning and Zoning Code Utilities provided that after receipt of a recommendation from the Planning Commission, Council may approve variances to the Subdivision Regulations as provided in Section 1111.41, Variances.
- (2) Public Utilities. The applicant for a Planned Development shall demonstrate the availability of public water and public sanitary sewer with sufficient capacity to serve the proposed development and shall demonstrate the capacity to finance and construct any necessary off-site improvements.
- (3) Public Streets. All streets shall be dedicated public streets except as required by Chapter 1111 after receipt of a recommendation from the Planning Commission, Council may approve creation of limited private streets such as short cul-de-sacs or streets serving clustered dwellings subject to suitable guarantees for operations, maintenance, and replacement of such private streets. Provisions for future street extensions to abutting properties may be required.
- (4) Pathways for bicycles and pedestrians shall be incorporated throughout the planned development and along all existing and new streets to ensure connectivity between uses, common open spaces, and with adjacent properties.

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(f) Vehicular and Pedestrian Access

Roadway/street systems, service areas, parking areas, entrances, exits and pedestrian walkways within the development shall be designed in a manner that minimizes traffic hazards and congestion.

(g) Homeowners Association

Upon approval of a Planned Development, a homeowners association, community association, condominium association or similar legal entity shall be created in compliance with Section 1171.01, Requirements for Owners Association, so that such association is responsible for the maintenance and control of common areas, including the common open space, open space easements, common drives, storm water facilities, and any other features deemed necessary by Village Council in approval of the Planned Development.

1159.05 Specific Standards for Planned Development Uses

(a) Uses

- (1) Uses Permitted By Right. A use listed in Schedule [1159.05\(a\)](#) (shall be permitted by right as a principal use in the PD when denoted by the letter "P" provided that all requirements of other Village ordinances and this Planning and Zoning Code have been met;
- (2) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Schedule [1159.05\(a\)](#) shall be permitted provided that the requirements of all other Village ordinances and this Planning and Zoning Code have been met.
- (3) Conditional Uses. A use listed in Schedule [1159.05\(a\)](#) shall be permitted as a conditional use in the PD when denoted by the letter "C", provided the Planning Commission first makes the determination that the requirements of Chapter [1177](#), Conditional Use Regulations, have been met, according to the procedures set forth in Chapter [1129](#), Certificates.
- (4) Compliance with Standards. Although a use may be indicated as a permitted principal or accessory use in the District, it shall not be approved on a lot unless it can be located thereon in full compliance with all of the standards and other regulations of this Code applicable to the specific use and lot in question.
- (5) Use Not Listed in Schedule. Any use not specifically listed as either a permitted principal or conditional use shall be a prohibited use in the District and shall only be permitted upon amendment of this Code and/or the Zoning Map as provided in Chapter [1133](#) or upon a finding that a use is substantially similar as provided in Chapter [1171](#).
- (6) Schedule 1159.0 5(a) Permitted Uses.

Schedule 1159.0 5(a) Permitted Uses	
Northwest Chagrin Residential & Planned Development Conservation District	
(1) Residential	
A. Single-family dwelling, detached	P
B. Family day care home for 1-6 children (Type B)	P
C. Cluster single-family detached dwellings	P
D. Single-family dwellings, attached	P

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(2) Group Residential	
A. Adult care facility for 3-5 persons (Adult family home)	P
B. Residential facility for 5 or fewer persons (Foster family home)	P
(3) Community Facilities/Institutions	
A. Public park	C
B. Solar Energy Systems	C
(4) Accessory Uses	
A. Detached accessory buildings, including garages and sheds (a)	A
B. Fences, walls (a)	A
C. Home occupation (a)	A
D. Other accessory structures (a)	A
E. Private recreational facilities such as tennis courts and swimming pools (a)	A
G. Signs (b)	A
H. Parking shall be provided conforming to the parking regulations in Chapter 1179	A
<p><u>Notes to Schedule 1159.05(a):</u> (a) See Section 1151.13 Accessory Use and Structures. (b) As further regulated by Chapter 1183, Sign and Billboard Regulation P = Use permitted by right; A = Accessory use; C = Conditional use; Blank cell = Use not permitted in district</p>	

(b) Dwelling Standards

(1) Maximum Dwelling Units.

- A. The potential maximum number of dwelling units which may be permitted in a Planned Development shall be calculated as follows:
 1. Determine total area of proposed Planned Development in acres.
 2. Subtract acres in existing and proposed public rights-of-way.
 3. Multiply difference by 4.
 4. The product is the potential maximum number of units which may be permitted in the Planned Development.
- B. The number of dwelling units approved in a Planned Development shall be recommended by the Planning Commission subject to approval by Village Council based on compliance with the provisions of this Chapter and with all other applicable regulations of the Village. The approved number of dwelling unit may be less than, but not greater than, the potential maximum number of dwelling units calculated above.

(2) Standards for Permitted Dwelling Types

Only the dwelling types listed in the use table at Section 1159.0 5(a) may be permitted in the Planned Development. They shall comply with the standards listed below.

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Table 1159.0 5(b)(2)					
Dwelling Type		Minimum Unit Setback from Public or Private Street	Minimum Yards		
			Front	Side	Rear
Detached single family (2)	Minimum lot 10,000 square feet, minimum width 80 feet, minimum depth 125 feet	40	40	10	40
Attached single family (1)	Maximum four (4) units may be attached in one building. Building separations: minimum 25 feet between sides, 50 feet rear to rear and rear to side. Attached single family units shall be not more than 30% of total units approved in the Planned Development.	25	25	na	25
Single family detached cluster (3)	Detached cluster dwellings 1.0 or 1.5 stories in height shall be separated at least 15 feet; dwellings 2.0 stories or higher shall be separated 20 feet from all other dwellings	25	25	na	25
<p>Additional Setback Standards: Except as specifically addressed in Section 1159.04(a)(3) for the areas fronting Chagrin Boulevard, all structures shall be setback from the exterior boundaries of a planned development which abut lots which are platted for and/or occupied by dwellings a distance of at least seventy feet (70').</p>					
<p>Notes: (1) As defined in Section 1123.03 (27) (2) As defined in Section 1123.03 (29) (3) As defined in Section 1123.03 (28)</p>					

(3) Dwelling Height Standards

All dwellings in a Planned Development shall comply with the following height regulations:

- A. The height of principal buildings and structures shall not exceed 2 and one-half (2.5) stories and thirty-five (35) feet.
- B. The height of residential accessory buildings and structures shall not exceed nine (9) feet as measured from the grade to the eave line for at least fifty percent (50%) of the perimeter of each building.

(4) Minimum Dwelling Floor Areas. All dwellings shall have a habitable floor area of at least 1,500 square feet.

(5) Minimum Dwelling Width. The width of a dwelling shall be at least 28 feet.

(c) Architectural Design

- (1) The applicant for a Planned Development shall prepare and submit for approval an architectural design program which illustrates and describes the intended designs, or typical designs, of all proposed buildings, including illustrations of facades, roof lines, floor plans, and exterior materials. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings, and the number, size and type of dwelling units.

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- (2) Review Standards The architectural design program shall be reviewed with the assistance of the Village Architectural Reviewer utilizing at a minimum the applicable standards and guidelines set forth in Chapter 1127.
- (3) A diversity of compatible and complementary dwelling façade designs shall be presented to promote aesthetically attractive neighborhoods and to prevent excessive similarity in appearance among dwellings.
- (4) The Planning Commission may require the developer to provide standards for dwellings including, but not limited to, minimum and maximum floor areas, minimum and maximum dwelling widths, maximum lot coverage, and policies for the orientations and relationships among dwellings, particularly in attached and cluster configurations.

1159.06 Procedures for Application, Review, and Approval of Planned Development

(a) Pre-Application Conference. The applicant for a planned development is encouraged to request a meeting with the Building Inspector prior to submitting an application for the purposes of reviewing the applicable regulations and to obtain other information relevant to the proposal.

(b) Preliminary Development Plan.

- (1) Application. An application for a planned development shall be submitted to the Planning Commission by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be submitted in the form of a letter of request along with a fee and deposits established by the Village Council, and a Preliminary Development Plan and narrative containing the information specified below. The Building Inspector shall review all application materials submitted and determine if they are complete.

- A. Preliminary Development Plan. A Preliminary Development 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. Property boundary survey.
 - viii. Adjacent buildings and structures within two hundred (200) 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, areas subject to the Environmental regulations of Section 1173.
 - xii. Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan.
 - xiii. Uses proposed within the planned development and general locations.
 - xiv. Numbers and types of dwelling units proposed and locations.
 - 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.

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- xvi. Perspective sketches or photographs of representative building types, illustrating the proposed architectural styles and building materials.
 - xvii. A survey of all trees on the site and on property lines thereof, prepared by a registered arborist, identifying the locations, species and condition of all trees having a diameter at breast height of twelve (12) inches or greater.
 - xviii. Any other information, including but not limited to the requirements of Chapter 1127 deemed necessary by the Planning Commission to determine the character of the proposed development and compliance with these regulations.
- B. Project Narrative. A written statement shall be submitted, providing the following information:
- i. Statement of how the Planned Development meets each of the Qualifying Conditions specified in Section 1159.03
 - ii. Identification of the present owners of all land within the proposed project
 - iii. Explanation of the proposed character of the Planned Development, including a summary of acreage by use, number and type of dwelling units, the maximum number of dwelling units calculated as provided in section 1159.05(b)(1)A, area and percent of the project area to be preserved as common open space, minimum lot sizes by type of use
 - iv. A complete description of any requested modifications of minimum requirements or variances in accordance with Section 1159.06(f), from the minimum spatial or other requirements applying to the property.
 - vi. A general description of the proposed development schedule and anticipated phases.
 - vii. Intended agreements, provisions and covenants to govern the use of the planned development, and any common open space areas to be preserved.
- (2) Planning Commission Review. Following receipt of a complete application package, the Building Inspector will cause the application materials to be forwarded to the Planning Commission for review. At the next regularly scheduled meeting after submission of a complete application and all required plans and information, the Planning 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 to the property owner and to the owners of the property contiguous to and directly across the street from 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 Commission or Village Council.
 - ii. Notice to the general public of the Planning Commission's agenda shall be publicized in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing.
 - B. Public hearing. The Planning Commission shall conduct a public hearing in accordance with its rules of procedure.
 - C. Recommendation. Upon voting on the application, the Planning Commission shall forward its recommendation to Council that the Preliminary Development Plan be approved as presented, approved with supplementary conditions, or not approved. The recommendation shall be based on the standards of Section 1159.06(d).

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- (3) Village Council Action. Within sixty (60) days of receiving the recommendation from the Planning Commission, Council shall conduct a public hearing prior to taking final action on the Preliminary Development Plan.
- A. Notice of hearing. Notice shall be provided in the manner set forth for the Planning Commission review above.
 - B. Public hearing. The 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 disapprove the Preliminary Development Plan based on the standards of Section 1159.06(d).
 - 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 Village in law or equity and as provided for in this Code.
 - E. Effect of Council Action. Village Council action approving a Preliminary Development Plan authorizes the applicant to prepare and submit a Final Development Plan, but not to initiate construction or take any other action. Approval of a Preliminary Development Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plan and as a guide to the preparation of the Final Plan, which will be submitted for approval of the Village upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. Village Council action disapproving a Preliminary Development Plan shall halt any other action on the part of the Village with regard to the Plan or the Council may authorize the applicant to resubmit an amended Preliminary Development Plan.

(c) Final Development Plan. 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 twenty four (24) months after the effective date of Village Council approval of the Preliminary Development Plan, otherwise the Preliminary Development Plan approval shall expire. One extension of up to six (6) 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 Building Inspector who shall present the request to the Planning Commission who shall make a written determination regarding its 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 Final Development Plan within this timeframe, the approved Preliminary Development Plan shall be deemed to have expired and the applicant must submit a new Planned Development application.
- (2) Pre-application Conference. Prior to submitting a Final Development Plan application, the applicant shall schedule a meeting with the Building Inspector, Law Director, and the Village Engineer to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the Preliminary Development Plan approval, review procedures and the proposed Final Development Plan. 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 Village.

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- (3) Application. An application for approval of the Final Development Plan shall be submitted by the property owner or owner's authorized representative. The application shall be filed in the form of a letter, along with a fee established by the Village 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 Commission.
- A. Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Development Plan shall be submitted with the required application. The Final Plan shall contain all information, including but not limited to the requirements of Chapter 1127, deemed necessary by the Planning Commission to confirm compliance with the provisions of this Chapter and with all other applicable Village regulations. At minimum, the application for Final Development Plan shall include:
- i. The proposed locations of all uses including but not limited to dwellings, open spaces, and infrastructure.
 - ii. A subdivision plan or other survey indicating the locations of all lots, rights-of-way, easements, and other divisions of land.
 - iii. A grading plan indicating existing and planned topography.
 - iv. A storm water facilities plan, in accordance with Chapter 973, Comprehensive Storm Water Management.
 - v. A landscape plan including treatment of the Chagrin Road frontage, all open spaces, major street entries and buffer areas, and typical landscape plans for dwelling units.
 - vi. Architectural design plans illustrating the intended character and exterior features of structures including but not limited to dwellings, accessory buildings, and fences. The Planning Commission may require that the detailed exterior design of specified buildings be submitted to the Commission for review prior to the issuance of building permits.
- 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. the total number of dwelling units, numbers of units by type, and locations of all units; if a phased development, totals, types and locations by phase.
 - 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.
- C. The Planning Commission may require additional information beyond what is specifically required if, in its judgment, more detailed information is necessary due to the size of the

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development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.

- (4) Phased Projects. If a Planned 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 Planned Development was first given Preliminary Development Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Preliminary Development Plan. Each phase shall have adequate provision for access, parking, open space, storm water management, and other public improvements to serve the development. 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.
- (5) Planning Commission Review. Following receipt of a complete application package, the application materials shall be forwarded to the Planning Commission for review. The Building Inspector shall review all application materials submitted and determine if they are complete. At its next regularly scheduled meeting after submission of a complete application and all required plans and information, the Planning 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 1159.06(d) and the site plan review standards of Chapter 1127.
The Final Development Plan shall be approved if it conforms with the Preliminary Plan. Approval by the Planning Commission shall authorize the applicant to proceed with the Planned Development subject to all applicable regulations, conditions, and agreements. Disapproval by the Planning Commission shall halt any other action on the part of the Village with regard to the Plan unless the Commission authorizes the applicant to resubmit an amended Final Development Plan.
- (6) Performance Guarantee, Development Agreement. In conjunction with the approval of a Final Development Plan, the applicant shall be required to provide a performance guarantee for all public and common improvements, in accordance with applicable subdivision regulations. A development agreement may be required to address additional issues specific to the Planned Development.

(d) Review Standards

In considering a Planned Development application, the Planning Commission shall find that the development meets all applicable requirements and qualifying conditions, as well as the following general standards:

- (1) Purpose of PD. The Planned Development shall be consistent with the stated Purposes of this District, as found in Section 1159.01
- (2) Qualifying Conditions. The Planned Development shall satisfy each of the Qualifying Conditions, as stated in Section 1159.03
- (3) Comprehensive Plan. The Planned Development shall be consistent with the recommended future land use patterns, goals and guiding principles contained in the Village of Moreland Hills Comprehensive Land Use Plan.
- (4) Surrounding Uses. The Planned Development shall be compatible with the existing and intended uses surrounding the subject property.

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- (5) Natural Environment. The design and layout of the Planned Development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation and shall minimize alteration of natural site features and reduce adverse impacts thereto.
- (6) Public Facilities and Services. The Planned 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.
- (7) Protects Health, Safety and Welfare. The Planned Development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- (8) Consistent with All Applicable Standards and Requirements. The Planned Development shall conform to all applicable requirements of this Code, unless specifically modified and approved, as authorized by Section 1159.06(g)
- (9) Final Development Plan. The Final Development Plan is substantially consistent with the representations made and plans shown during the Preliminary Development Plan stage of approval.
- (10) 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.

(e) Commencement of Construction; Revocation of Approval

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

- (1) For purposes of this section, meaningful progress toward completion shall mean, at a minimum, all of the following: site clearing, rough grading, and installation of infrastructure improvements: sanitary sewer, stormwater facilities including stormwater management facilities, and water mains.
- (2) If construction has not commenced within twelve (12) months, the applicant may request one extension of up to twelve (12) additional months. The request shall be submitted, in writing, to the Planning Commission prior to the expiration of the original twelve (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 Planned Development. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the Final Development Plan shall become null and void.
- (3) Following expiration of the foregoing time limits, the Village Council may initiate proceedings to revoke approval of the Planned Development.

(f) Amendments, Approval of Minor Changes

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

- (1) The holder of an approved Final Development Plan shall notify the Building Inspector of any proposed change to the approved plan.
- (2) Minor changes may be approved by the Building Inspector and the Village Engineer 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 one or more of the following:
 - A. Reduction in building size or increase in building size up to five percent of the total approved floor area;

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- B. Movement of building or other structures to a location that meets all established setbacks;
 - C. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 - D. Changes in building materials to a comparable or higher quality;
 - E. Changes in floor plans which do not alter the character of the use;
 - F. 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.
 - G. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- (3) A proposed change to an approved Final Development Plan that does not meet one of the criteria above shall be considered an amendment to the approved Final Development Plan and a request for modification shall be submitted to the Planning Commission and reviewed in accordance with the procedures established for the Final Development Plan review and approval process.
- (4) When, in the judgment of the Planning Commission, the proposed requested modification(s) substantially deviates from the approved Preliminary Development Plan, the requested modification(s) shall be reviewed by the Planning Commission as an Amended Preliminary Development Plan, and shall be reviewed in accordance with the provisions of this Chapter for the approval of a Preliminary Development Plan.

(g) Modifications

- (1) The applicant for a Planned Development shall submit, in writing, all proposed modifications from the applicable zoning requirements. Modifications may be approved by Council after Planning Commission recommendation.
- (2) Modifications to the zoning regulations applicable to a Planned Development may be permitted if they will result in a higher quality and more sustainable development over what could have been accomplished through strict application of the otherwise applicable zoning regulations, consistent with the purposes of the Planned Development regulations, as expressed in Section 1159.01, and including, but not limited to, improvements in open space provision and access, environmental protection, tree/vegetation preservation, efficient provision of streets, roads and other utilities and services, or choice of living and housing environments.
- (3) The provisions of Table 1159.05(b)(2) may be modified including, but not limited to, lot area and width, building setbacks, and heights, however, a modification shall not result in an increase in the number of dwellings otherwise permitted by this Chapter.
- (4) As applicable to the requested modifications, the provisions of Sections 1111.41, 1131.17, and 1131.21 shall be considered.

(h) Expansion of Planned Development Area

A property located within the area described in Section 1159.03(a) which is contiguous with but not contained within an approved Planned Development may apply for approval of an expansion of the contiguous Planned Development. The proposed area of expansion shall not be required to contain a minimum acreage, but shall be subject to all other provisions of this Chapter and other applicable Village regulations.