

## VILLAGE OF ADDYSTON

ORDINANCE NO. 2013-03ORDINANCE CREATING A PLANNED UNIT  
DEVELOPMENT (PUD) ZONE WITHIN THE  
VILLAGE OF ADDYSTON, OHIO

WHEREAS, the Village of Addyston has tracks of land within the Village of Addyston that due to their unique location or due to the size of the parcels requires the Village to implement a zone to derive the best economic use of the properties consistent with the interest of the property owners of said parcels; and

WHEREAS, the Village Council has requested the Addyston Planning Commission to investigate whether the creation of a Planned Unit Development Zone is in the best interest of the Village and property owners within the Village of Addyston; ; now therefore

BE IT ORDAINED by the Council of the Village of Addyston, State of Ohio:

**SECTION 1. INTENT AND OBJECTIVES.**

It is the intent of this chapter to accommodate creative and imaginative Planned Unit Developments and to permit those innovations in land development which are in the best interest of the Village. In order to accomplish this intent, it is the purpose of this chapter:

(a) To permit, in a Planned Unit Development, a variety of architectural designs, structural techniques and types of structures in a maximum density permitted within the district in which the Planned Unit Development is proposed except as provided in Section 5.

(b) To permit the flexible spacing of lots and buildings in order to encourage separation of pedestrian and vehicular circulation, the conservation of natural amenities of the landscape, the provision of readily accessible open space, the creation of functional and interesting residential areas and the provision of a necessary complement of community facilities;

(c) To permit, with the approval of the Planning Commission and Council, commercial uses in residential Planned Unit Developments, even if the underlying zone is residential only where such uses are intended to benefit primarily the residents of the Planned Unit Development or where the Planned Unit Development is larger than two acres in size; and

(d) To permit mixed uses (residential/commercial, commercial/industrial, etc.) where the Planned Unit Development includes more than one underlying zone.

## **SECTION 2. ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT.**

Planned Unit Developments may be established either by a determination of the Planning Commission and Council that a particular piece of property shall be developed under this chapter, or by approval of an application from a property owner. Planned Unit Developments shall be defined as Major or Minor according to the standards in this section. Section 3 to 16 and Section 22 to 27 regulate how Major Planned Unit Developments are to be reviewed; Section 17 to 27 regulate how Minor Planned Unit Developments are to be reviewed.

(a) A Planned Unit Development shall be considered Major if it is more than 2.0 acres in area or where the Planned Unit Development application includes any of the following: new building(s) covering more than 15% of the existing site area; demolition of a main structure; significant changes to existing buildings, landscaping, or other site elements.

(b) A Planned Unit Development shall be considered Minor if it is less than 2.0 acres in area and if the Planned Unit Development application consists only of a change of use of the existing building(s), and/or cosmetic or limited changes to existing building(s), landscaping, or other site elements, and/or new building covering less than 15% of the existing site area.

## **SECTION 4. USE REGULATIONS.**

Council may permit the following uses in a Major Planned Unit Development:

(a) Any use permitted in the Zoning Code for the particular property which is the subject of the Planned Unit Development application. A Planned Unit Development which includes more than a single zoning district within its boundaries may be approved as a mixed use Planned Unit Development where the Planning Commission and Council determine that the mix is compatible with the surrounding uses. Any use may be permitted by the Planning Commission and Council except those uses first permitted in the M-1 and M-2 Districts, provided however that in a Planned Unit Development where the underlying zoning is M-1 or M-2, M-1 and M-2 uses are permitted.

(b) In residential Planned Unit Developments, accessory services or associated uses such as private garages, storage spaces, community facilities and schools to service

the occupants of the Planned Unit Development may also be permitted as appropriate and clearly incidental to the uses permitted on the same premises, or such other uses as approved by the Planning Commission and Council and designed to serve primarily the occupants of the Planned Unit Development.

(c) Open space which may include land, water or a combination of both, and along with the natural environmental features, swimming pools, tennis courts, other recreational facilities and complementary structures and improvements deemed permissible by the Planning Commission and Council. These facilities are to be used mainly by the occupants of the development in which the facilities are located and their guests. Streets, parking lots, structures for habitation or storage and the like shall not be included as part of the required open space and recreational facilities.

## **SECTION 5. AREA, DENSITY AND LOT REGULATIONS.**

(a) Area for Development. There shall be no minimum area for a Planned Unit Development. All land within the development shall be contiguous in that it shall not be divided into segments by any limited access highway or any tract of land (other than streets or rights of way for pipelines or electric transmission lines) not owned by the developer of the Planned Unit Development.

(b) Maximum Density. A Planned Unit Development shall not exceed the densities prescribed for the district in which it is located except that in residential Planned Unit Developments consisting of two or more acres the density may be increased twenty percent (20%) above that permitted by the zoning. Permitted density shall be determined by the average number of units per acre, as determined by the minimum lot sizes in the respective districts.

(c) Minimum Requirements.

(1) Yard setback, height controls, type of dwelling unit, frontage, use and parking restrictions contained in other chapters of this Zoning Code are hereby waived for Planned Unit Developments, provided that the intent and objectives of this chapter are implemented in the total development plan, as determined by the Planning Commission and Council. Building separation shall be maintained in accordance with the requirements of the Fire Code and other safety codes of the Village and the State.

(2) Every building shall have access to a public street, internal walkway, internal

street or other area dedicated to common use.

(d) **Perimeter Requirements.** If topographical or other barriers within the development do not provide reasonable privacy for the existing uses adjacent to the development, the Planning Commission and Council shall impose either of the following requirements, or both:

(1) Structures located on the perimeter of the development shall be set back in accordance with the provisions of the Zoning Code controlling the area within which the development is situated; and

(2) Structures located on the perimeter shall be well screened in a manner approved by the Planning Commission and Council.

## **SECTION 6. STREETS.**

(a) Interior public streets shall be paved according to the Village's street design or Hamilton County standards, whichever the Village shall decide is more appropriate. Interior private streets shall be properly lighted and maintained. The minimum paved roadway for private streets in a residential Planned Unit Development shall be as follows: two-way road without parking, twenty-four feet; two-way road with parking on one side where approved, thirty feet; one-way road with parking on one side where approved, twenty feet; and one-way road without parking, eighteen feet. Parking along access roads shall be subject to the approval of Council and the Street Commissioner. In business or industrial Planned Unit Developments, the above minimum right of-way widths shall be increased in accordance with the requirements of Council.

(b) Collector streets and major thoroughfares shall be designated as such by the developer upon submission of the general plans as provided for hereafter. Such designations shall be subject to modification by the Planning Commission and Council so that an efficient circulation system is established in relation to other existing or planned streets in the area.

(c) Off-street parking shall be provided outside the public or private right of way sufficient to accommodate the normal uses of any structure consistent with the requirements of this ordinance, and those persons who live or are employed on the premises as well as their social or business invitees. Screening of parking or service areas may be required through the use of such devices as are determined by the Planning

Commission and Council. All parking spaces and service drives shall be improved with bituminous, concrete or equivalent pavement materials and so graded and drained as to control the release of all surface water accumulation within the area.

## **SECTION 7. SIGNAGE.**

Signage for commercial uses within Major Planned Unit Developments shall be considered according to subsections (a) to (c), inclusive. These sign area limitations supercede and replace other provisions of the Village of Addyston Zoning Code for Major Planned Unit Developments only.

(a) Total signage area for the Planned Unit Development shall be the sum of allowable signage area calculated from the base rate of two square feet of sign area per linear foot of building frontage.

(b) Surface signs are recommended. Other sign types are permitted as follows, with reductions in sign area.

(1) The sign area for ground [monument] signs shall be reduced by one-third of the standard allowable area.

(2) The sign area for pole signs with a total height of 15 feet or less shall be reduced by one-half of the standard allowable area. Sign area for pole signs with a total height over 15 feet shall be further reduced by one-quarter for each additional 3 feet height.

(3) Sign area for all other non-surface signs shall be reduced by one-half.

(c) Bonuses in signage area are calculated from the base size set by the reductions taken in (b) and are permitted as follows, up to an overall maximum of three square feet of sign area per linear foot of building frontage:

(1) Use of natural materials or sandblasted resin for the sign face shall be permitted a bonus of one-quarter additional signage area.

(2) Use of uniform font face and size shall be permitted a bonus of one-quarter additional signage area.

(3) Use of three or fewer colors (black and white included in the three) shall be permitted a bonus of one-quarter additional signage area.

(4) Signs which are not lit shall be permitted a bonus of one-third additional signage area.

(5) Ground or pole signs which are placed more than 5 feet off the property line shall be permitted a bonus of one-eighth additional area for each additional 4 feet of setback.

### **SECTION 8. COMMON OPEN SPACE.**

(a) Amount and Character. With respect to residential Planned Unit Developments, at least twenty-five percent (25%) of the total land of the proposed development permitted by this section shall be dedicated to public or private open space (or a combination of public and private open space) or recreational facilities exclusive of dwellings, streets, parking areas and single-family residential lots. With respect to nonresidential Planned Unit Developments, the amount of open space that is required shall be determined by the Planning Commission and Council and shall be a function of the nature of the development and the avoidance of adverse impacts or blighting influences upon neighboring uses. Such open space shall be clearly shown on the Preliminary and Final Plans, and shall be physically situated so as to be readily accessible, available to and useful to all occupants of the Planned Unit Development.

(b) Conveyance and Maintenance of Common Open Space. All common open space shown on the Preliminary and Final Plans and recorded with the County Recorder shall be conveyed in accordance with one of the following methods:

(1) By dedication to the Village as publicly owned and maintained open space. All common open space for dedication to the Village shall be acceptable to the Planning Commission and Council with regard to size, shape, location and improvement. In addition, the developer shall show that the dedication of such areas will be for the benefit of the general public of the Village.

(2) By leasing or conveying title (including beneficial ownership) to a corporation, occupants' association, trust or other legal entity. In the terms of such lease or other instrument of conveyance, provisions shall be included which are suitable to the Planning Commission and Council for guaranteeing: the continued use of such land for

intended purposes; continuity of property maintenance; when appropriate, the availability of funds required for such maintenance; adequate insurance protection; and recovery for loss sustained by casualty, condemnation or otherwise.

In any event, the developer shall file with the County Recorder at the time the approved final development plan is filed, legal documents which shall produce the aforesaid guarantees and, in particular, shall provide a method for restricting use of common open space for designated purposes.

#### **SECTION 9. PEDESTRIAN CIRCULATION.**

The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

#### **SECTION 10. UTILITIES.**

The Planning Commission and Council shall have the authority to require the provision of underground installation of utilities (including electricity and telephone) in both public and private ways. Utility installation and maintenance of facilities shall be in accordance with Village requirements and regulations. A Planned Unit Development shall not be approved unless adequate assurance is given that adequate public or central water and sanitary sewers shall be available at the first occupancy.

#### **SECTION 11. PRIVACY IN RESIDENTIAL PLANNED UNIT DEVELOPMENTS.**

Each residential Planned Unit Development shall provide reasonable visual and acoustical privacy so that the occupants of one unit shall not interfere with the activities of occupants of another unit. Fences, insulation, walls, barriers and landscaping shall be used as appropriate, for the protection and aesthetic enhancement of property, the privacy of its occupants, screening of objectionable views or uses and the reduction of noises.

#### **SECTION 12. WAIVER OF PLANNED UNIT DEVELOPMENT REQUIREMENTS.**

The Planning Commission and Council shall have the authority to waive the requirements of this chapter upon request by a property owner of property in a Planned Unit Development District if the property owner desires to use the property under the underlying district regulations and if the Planning Commission and Council determines that

the use proposed by the property owner meets the following standards:

(a) Shall be harmonious and in accordance with the general objectives of the Village's comprehensive plan and/or the Zoning Code;

(b) Shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use shall not change the essential character of the same area;

(c) Shall not be hazardous or disturbing to neighboring uses;

(d) Shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewers, schools or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;

(e) Shall not create additional requirements of public cost for public facilities and public services and shall not be detrimental to the economic welfare of the community;

(f) Shall not involve uses, activities, processes, material, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

### **SECTION 13. PRELIMINARY PLAN SUBMISSION.**

(a) At the time of application for approval of a Planned Unit Development, a Preliminary Plan for the development of the land shall be filed with the Planning Commission by the owner or owners of the land involved. The Preliminary Plan (which may be set forth on one or more maps or in one or more instruments) shall have been signed by all of the owners of the property within the project, shall have been drawn to scale, and shall have been prepared by an architect, landscape architect, civil engineer or urban or regional planner. The developer may, at his option, request Preliminary and Final Plan approval simultaneously by complying with this section and Section 15 in one submission, by providing simultaneously all of the information required by both sections.

(1) All Preliminary Plans shall be presented to the Planning Commission on a form to be prescribed by the Building Inspector.



(2) A fee as established by Council shall accompany the Preliminary Plan submission.

(b) The Preliminary Plan shall include a declaration by the developer in which there is furnished:

(1) A general statement regarding the nature, size and location of open space, and descriptive data as to the methods to be employed for guaranteeing its continuity and maintenance;

(2) The areas of each structure to be used with a designation of the purposes of each area in each structure;

(3) The total population density for residential Planned Unit Developments and/or the average daily employment and customer traffic for commercial, business or manufacturing Planned Unit Developments;

(4) Descriptive data concerning sewer, water and storm drainage facilities within the project, identifying the entity, whether public or private, to whom such facilities are to be dedicated or transferred; and

(5) General description of the availability of other community facilities such as schools, fire and police protection services and cultural facilities, if any, and how these facilities are affected by this proposal.

(c) The Preliminary Plan shall also include conceptual and schematic plans to a scale of one inch equals 100 feet, or less, incorporating the following elements:

(1) An area map showing adjacent property owners and existing land uses within 200 feet in any direction of the parcel;

(2) The boundaries of the project, including the legal description of the metes and bounds of the parcel and the size of the parcel;

(3) Existing contours at five feet intervals or less, accompanied by an outline of grading plans;

(4) The proposed street system for the project, including designation of collector thoroughfares agreeable to the Council, or where otherwise necessary for efficient vehicular circulation;

(5) Drainage control, including a plan showing provisions for control of erosion and sedimentation during and after construction; such plans shall be accompanied by documentation indicating the review and recommendation of such plan by the Village's Engineer;

(6) Location of all principal buildings and accessory structures accompanied by an outline explaining intended heights, coverage and treatment of yards within the project;

(7) Location, size and landscaping of proposed parking lots within the project, including size and number of parking spaces, designated handicapped spaces, and loading spaces;

(8) Pedestrian circulation features, walks and paved areas within the project;

(9) Landscaping and forestry features;

(10) Principal ties to the community at large with respect to transportation, water supply and sewage collection and treatment;

(11) General nature and location of public and private utilities and community facilities and services, including maintenance facilities within the project;

(12) Recreational and other nonbuilding areas designated within the project; and

(13) A soil interpretive map indicating degree of limitation.

(d) The Preliminary Plan shall also include common open space information including:

(l) Percentage of acreage of common open space in each part of the project;

- (2) The general nature and location of common open space use; and
- (3) Topographical factors affecting common open space.

(e) The Preliminary Plan shall also include a document describing the proposed phasing program of the project for all dwelling units, nondwelling structures, recreational and other common facilities, and open space improvements.

#### **SECTION 14. PRELIMINARY PLAN APPROVAL.**

(a) The Planning Commission shall review the Preliminary Plan and make recommendations to Council with respect to the Preliminary Plan. The Planning Commission shall have thirty days from the date of the public hearing at which the Preliminary Plan is considered to approve, deny or modify the Preliminary Plan, provided that by mutual agreement between the applicant and the Planning Commission, that time limit may be extended. The recommendations of the Planning Commission shall include written findings with respect to the following:

- (1) The relationship, beneficial or adverse, of the proposed Planned Unit Development to the neighborhood in which it is proposed to be established;
- (2) Whether or not there are adequate services and utilities available or proposed to be made available in the construction of the project;
- (3) Whether or not the proposal meets the intent and objectives for Planned Unit Developments as expressed in this chapter;
- (4) Whether or not the proposal meets all the general regulations for Planned Unit Developments; and
- (5) Whether the Planning Commission recommends approval, approval with modifications, or disapproval of the Planned Unit Development, with a statement of the reasons for the recommendation by the Planning Commission.

(b) Council shall consider the recommendations of the Planning Commission and shall conduct a public hearing prior to acting on the application. The public hearing and review requirements shall be the same as those required for a zoning amendment. Council

shall have sixty days from the date on which it receives recommendations of the Planning Commission to consider and to approve, deny, or approve with modifications the Preliminary Plan, provided that by mutual agreement between the applicant and Council, that time limit may be extended.

(c) Within two years of approval of the Preliminary Plan by Council, the developer shall apply for and secure Final Plan approval as specified in Section 15 for any specific area within the project or the overall project, or the Preliminary Plan approval shall automatically expire. No substantial change from the approved Preliminary Plan shall be made without prior approval of the Planning Commission and Council. The Planning Commission may authorize minor changes, provided that the overall density is not increased, without a new Planned Unit Development application. The Planning Commission shall notify Council in writing of the authorization of such minor changes within ten days of such authorization.

#### **SECTION 15. FINAL PLAN APPROVAL.**

(a) Final Plan. Construction of the uses authorized by the Planning Commission's and Council's approval of the Preliminary Plan may begin only after a Final Plan has been approved by the Planning Commission and Council and a building/zoning permit has been issued for each structure in the Planned Unit Development. For approval of a Final Plan, the owner shall file a Final Plan for any specific area within the project or the overall project with the Planning Commission together with a letter of application for such approval. Such Final Plan shall show the following:

(1) The area to be developed and the area to be devoted to open spaces for the use of all occupants of the area, with accurate amounts of land involved, courses and distances to be determined by a licensed engineer or surveyor who shall sign such plan and certify to the accuracy of it. The boundaries of any area for which Final Plan approval is requested shall not be gerrymandered to comply with the density and open space acreage criteria but shall be proportioned and allocated so that the required open space is convenient to the developed property included in the area submitted for Final Plan approval.

(2) The floor plans of all buildings, with all uses detailed, the number of units for separate occupancy and, with respect to dwelling units, the number of bedrooms per unit.

(3) A title guarantee or rider to an existing policy showing the legal description of the land which has been set aside for open space and showing appropriate restrictions limiting the use of such land to open space or to recreation in perpetuity, guaranteeing owners and occupants of the area to be developed a right and easement of use in such open space.

(4) A detailed plan setting forth the manner, means and proposed time of compliance with Section 5.

(5) A detailed landscaping plan for all areas.

(6) A detailed parking plan.

(7) A detailed signage plan.

(b) Conditions for Final Plan Approval. The Planning Commission shall review the Final Plan and recommend that Council approve, modify and approve, or disapprove the Final Plan. The Planning Commission shall also transmit its recommendation to Council. The Planning Commission shall have thirty days from the date on which the Final Plan is filed to consider and report upon an application for approval of a Final Plan. The time may be extended by mutual consent of the developer and the Planning Commission. Council shall consider the report from the Planning Commission and shall have sixty days from the date on which it receives the report from the Planning Commission to consider and to approve, deny or approve with modifications the Final Plan, provided that time may be extended by mutual consent of the developer and the Village. Council shall approve the application if it finds that the following conditions are met:

(1) The Final Plan accurately sets forth the area to be developed, the area to be set aside as open space with appropriate boundaries established by courses and distances, the quantity of land within the area to be approved and the quantity of land to be set aside as open space for the use of all occupants of the area;

(2) The Final Plan is substantially in accordance with the Preliminary Plan which has been previously filed with the Planning Commission and approved by Council;

(3) The density of dwelling units in any area does not exceed that shown on the Preliminary Plan;

(4) In residential Planned Unit Developments, the area reserved for open space and recreation is the sum of all areas for which Final Plan approval has been given or is requested and shall never be less than twenty-five percent (25%) of the cumulative quantity of land for all areas for which Final Plan approval has been given or requested;

(5) For phased projects already underway, satisfactory progress has been made in previously approved segments with respect to the provision and improvement of indicated recreational facilities; and

(6) The Final Plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project. A performance bond may be allowed to substitute for actual construction of recreational facilities. Any such construction covered by a performance bond shall be completed within one year. The amenities included in each phase shall be, in effect, completed prior to the issuance of occupancy permits.

#### **SECTION 16. PHASING.**

The establishment of common open spaces, the construction of public or common recreational facilities shown on the recorded Final Plan and the construction of other nonresidential structures shall proceed substantially in accordance with the phasing program referred to in Section 13, Preliminary Plan submission, herein. After general construction commences, the developer shall submit progress reports every six months to the Planning Commission, which shall review all building permits issued and compare them to the overall development phasing program. If it is determined that the rate of construction of units substantially differs from the phasing program, the Planning Commission shall notify the developer in writing. Thereafter, the Village can take such action as it may against any other violators of this Zoning Code.

#### **SECTION 18. USE REGULATIONS.**

In a minor Planned Unit Development uses may include those permitted in the underlying zoning and, with the approval of the Planning Commission, such other commercial uses which shall not be disruptive to the neighboring uses. Such uses shall be evaluated according to the Standards for Conditional Uses defined in this Section or in any other provision of the Addyston Zoning Code and such additional conditions and safeguards shall be placed on such uses as provided in the Village of Addyston Zoning Code to ensure compatibility with neighboring uses.

The following uses shall be prohibited:

- (a) Industrial and similar uses first permitted in the Manufacturing Districts.
- (b) Storage, warehouse, and distribution.
- (c) Drive-in or drive-through only businesses.
- (d) Kennels.

#### **SECTION 19. DEVELOPMENT PLAN REQUIRED.**

For a minor Planned Unit Development, the required Development Plans shall include:

- (a) A business plan describing in detail the type and nature of the business proposed, type of machinery or equipment to be located and used on site, number of employees, anticipated number of customers, number and type of business vehicles to be located on site, truck traffic associated with the proposed business, hours of operation, and such other information as the Planning Commission may request.
- (b) A site plan showing the locations of all current and proposed structures or additions, location and layout of parking and walkways, storm water management and drainage plans, the location of any utility or accessory structures and screening of said structures, the locations of any structure and/or landscaping serving as buffering between the proposed use and any neighboring residential properties, and such other information as the Planning Commission may request.
- (c) A streetscape plan showing the location, number, and design of streetscape elements including benches, planters, trees, lamps, etc. to be located along the street side of the site and which is to enhance the residential character and pedestrian appeal of the area.
- (d) A building improvement plan detailing all proposed changes to the building exterior, which changes should maintain or restore the historic character of the building to the extent practical.
- (e) A landscape plan detailing proposed landscape changes and improvements,

including plant species, sizes, and quantities to be planted, and the locations of plantings including any landscaping to be used as buffering between the proposed use and any neighboring residential uses.

(f) A signage plan detailing the size, material, colors, text, and location of all proposed signage, and complying with all requirements of the Addyston Codified Ordinances.

(g) A lighting plan showing all exterior lighting proposed to illuminate the building(s), walkways, parking area, and signage.

(h) Other information as the Planning Commission may find necessary to evaluate the Development Plans.

**SECTION 20. DEVELOPMENT PLAN SUBMISSION.**

The Development Plan for a Minor Planned Unit Development as described above shall be submitted to the Planning Commission with a cover letter from the applicant and shall be accompanied by a fee to be established by Council. The Building Commissioner shall review the Plans and provide comments to the Planning Commission prior to their review.

**SECTION 21. DEVELOPMENT PLAN APPROVAL.**

Approval of Minor Planned Unit Development applications by the Planning Commission shall follow the procedures established for consideration of Conditional Uses as detailed in the Village of Addyston Codified Ordinances. Council approval shall not be required for a Minor Planned Unit Development.

**SECTION 22. RECORDING.**

Upon approval of the Final Plan, the applicant shall cause the terms and conditions of the approval to be recorded in a recordable instrument, approved as to form by the Village Solicitor. The recordable instrument shall recite that the conditions of the Planned Unit Development are covenants that run with the land and are enforceable by the Village or by neighboring property owners.

**SECTION 23. BUILDING/ZONING PERMIT.**



Upon recording of the Final Plan pursuant to Section 22, a building/zoning permit shall be obtained pursuant to the requirements of this Ordinance and the Village of Addyston Codified Ordinances prior to initiating construction.

#### **SECTION 24. PERMIT OF OCCUPANCY.**

Upon completion of construction, a permit of occupancy shall be obtained prior to occupancy. In addition to the requirements of that section, the Building Inspector shall determine that construction occurred in compliance with the approved and recorded Final Plan.

#### **SECTION 25. FAILURE TO BEGIN.**

(a) If no construction has begun in the Planned Unit Development within one year from the approval of the Final Plan for the overall project or any part thereof and recording of documents, approval of the Final Plan shall lapse and be of no further effect. The Planning Commission, for good cause, may extend for periods of up to one year the time for beginning construction.

(b) If an approved Final Plan shall lapse, as provided herein, a record of such lapses shall be recorded by the Planning Commission and thereafter such approval shall be considered as having been revoked.

(c) Nothing herein shall be considered as effecting such lapse and revocation if the developer commences construction. If construction commences, the Final Plan may be modified only in accordance with Section 26.

#### **SECTION 26. REVISION OF APPROVED FINAL PLAN.**

The development shall conform to the approved Final Plan. The applicant, his successors and assignees shall make no alterations, additions or deletions with respect to the Final Plan, the related documents, or to the site, except that the Planning Commission may authorize minor changes, provided that the overall density is not increased without a new Planned Unit Development application. Upon approval of a Final Plan, changes other than minor changes approved by the Planning Commission may be made only pursuant to a new submission, beginning with a Preliminary Plan, of a Planned Unit Development application which shall be processed and approved in accordance with

this Ordinance.

**SECTION 27. VIOLATION.**

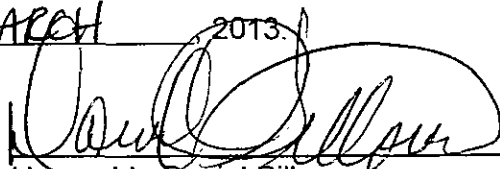
(a) Whenever the Planning Commission or Council, by ordinance, shall find in the case of any approved Final Plan that any of the terms, conditions or restrictions upon which Final Plan approval, Section 15 herein, was granted, are not being complied with, the Planning Commission or Council, by ordinance, may rescind and revoke such approval. Notice thereof shall be the same as that required for a zoning amendment.

(b) Violation of the Final Plan for a Planned Unit Development, as approved, shall constitute violation of the Zoning Code.

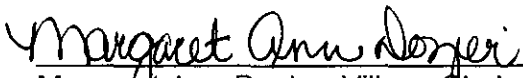
**SECTION 28.** That all other respects of the Addyston Zoning Code of the Village of Addyston, Ohio, and by reference the official zoning map, shall remain the same as heretofore enacted, as amended.

**SECTION 29.** That this ordinance is hereby declared to be an emergency ordinance and a measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall go into effect forthwith.

ADOPTED this 18 day of MARCH, 2013.

  
Honorable Daniel Pillow  
Mayor

Attest:

  
Margaret Ann Dozier, Village Clerk



(This ordinance was prepared by Robert G. Kelly, Village Solicitor.)

March 18, 2013

*I Margaret Ann Dozier, Clerk of the Village of Addyston, Hamilton County, Ohio, hereby certify this is a true and certified copy of ORDINANCE NO. 2013-03 AN ORDINANCE CREATING A PLANNED UNIT DEVELOPMENT (PUD) ZONE WITHIN THE VILLAGE OF ADDYSTON, OHIO.*

  
Margaret Ann Dozier, Village Clerk