

**PROPOSED TEXT
AS APPROVED BY VILLAGE COUNCIL JULY 31, 2013
PROPOSED PINECREST PLANNED DEVELOPMENT DISTRICT – (PPDD)**

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1175.01 INTENT

The intent of the Pinecrest Planned Development District (PPDD) is to foster a unified development that permits specific uses and includes related development standards that:

- (a) Encourage skillful planning by allowing flexibility in the type and placement of buildings while promoting coordinated architectural design within a unified development area.
- (b) Encourage a mixture of complementary land uses that includes housing, retail, offices, commercial services, and civic and government uses, to create economic vitality.
- (c) Utilize topographic and landscape features to enhance the development and to protect adjacent residential neighborhoods.
- (d) Provide flexibility in the siting and design of the development and subsequent redevelopment to anticipate changes in the marketplace.
- (e) Establish design criteria for the new developments that are aesthetically pleasing and foster pedestrian movement among the facilities in the development and to and from the adjacent areas.
- (f) Promote a high level of landscaping to:
 - (1) Buffer and protect adjacent uses;
 - (2) Maximize the existing and intended community characteristics along existing roads, and which are distributed throughout the district; and
 - (3) Foster green design and a sense of openness to the maximum extent practicable.
- (g) Control vehicular circulation and access to existing roads to minimize congestion and increase safety, to the extent practicable.

EXHIBIT A

1175.02 ESTABLISHMENT OF PINECREST PLANNED DEVELOPMENT DISTRICT (PPDD).

The Pinecrest Planned Development District (PPDD) and the provisions of this Chapter are established with six (6) Sub-Districts to meet the Village's objective of creating a mixed-use business and residential development and to reflect the different uses and development standards that apply to each of the Sub-Districts. The boundaries of the Mixed-Use District and its Sub-Districts shall be indicated on the official Orange Village Zoning Map with the symbol PPDD and each of the Sub-Districts as designated:

- (a) PD – 1 Retail/Office
- (b) PD – 2 Limited Retail/Office
- (c) PD – 3 Mixed-Use/Hotel
- (d) PD – 4 Mixed-Use
- (e) PD – 5 Residential
- (f) PD – 6 Open Space/Conservation

The Pinecrest Planned Development District (PPDD) will be hereafter referred to as the PPDD. The boundaries of the Sub-Districts are depicted in Exhibit 1 with an example of a preliminary site plan.

Exhibit 1



1175.03 ZONING APPLICATION AND DEVELOPMENT PLAN APPROVAL PROCESS.

The rezoning of any property to a PPDD shall comply with all requirements of the Orange Village Zoning Code and Village Charter except as modified herein:

- (a) **Ownership/Land Control:** The applicant for approval of a PPDD Zoning District shall be the property owner, or have: ownership interest, a written option to purchase the property, or written permission from the owner in a form satisfactory to the Village for all of the property in the area to be rezoned. Following the rezoning of the PPDD, a subsequent owner of a portion of the property may submit a development plan when such proposal is in full compliance with all of the regulations and conditions set forth in this Chapter and related documents. If the applicant does not control all of the land within the logical boundaries for the proposed PPDD, Village Council, with the recommendation of the Planning and Zoning Commission, may amend the application to include additional land pursuant to Section 1144.04.
- (b) **Preliminary Development Plan:** The application for rezoning to the PPDD shall include the submission of a Preliminary Development Plan (PDP) which shall be reviewed according to the relevant procedures in Chapter 1143. The PDP shall be approved concurrently with the rezoning of the property to the PPDD and shall include:
 - (1) An illustrative site plan depicting the areas of buildings, parking, service drives, truck turning movements, pedestrian ways, landscaping, buffering and preliminary grading with particular emphasis on the relationship of the buildings to the perimeter property lines.
 - (2) Preliminary building elevations and perspectives illustrating the quality and character of the building design.
 - (3) Samples of building materials.
 - (4) For the PD-6 Sub-District, landscape specifications, including topography, walls and fences, and plant materials (specifying the type, number, size at planting, expected mature height and breadth and expected opacity at various heights from the ground).
 - (5) For Sub-Districts PD-1 through PD-5, prototypical landscaping – both plan view and cross-sections – for buffers, pedestrian areas, green space, parking islands.
 - (6) Preliminary engineering drawings or a written statement from an engineer stating or illustrating that the site drainage plan envisioned for the development will be able to satisfy all applicable storm water management requirements.
 - (7) Building and site design criteria, text and illustrations, conforming with the illustrative site plan, as amended, that demonstrate the high quality of design through:
 - A. The use of building elements providing an articulate architectural vocabulary using materials, details and forms to provide a scale and relationship for a varied and refined pedestrian experience;
 - B. The use of building materials such as stone, brick, cultured stone, split-face concrete masonry (no painted or integrally colored concrete masonry except in

non-public or service areas that are thoroughly screened), metals, glass, wood, fiber cement siding, spandrel material;

- C. The limited use of acrylic stucco (exterior Insulation Finish System), only for trim, moldings or shapes, shall not comprise more than 20% of any single wall elevation; and
 - D. The use of multiple layers of materials, steps in the facades (both vertical and horizontal) and levels to break down the apparent size and scale of building segments.
- (8) Sight line drawings as required pursuant to Section 1175.07(a).
 - (9) Sign standards and criteria.
 - (10) A construction Phasing Plan which demonstrates that each phase when completed may be viewed as an independent project with respect to such factors as internal circulation, parking, open space, pedestrian circulation, buffering .
 - (11) Any supplemental development documentation, criteria and/or restrictions required by the Planning and Zoning Commission. This shall include, but not be limited to, traffic studies sufficiently demonstrating that ingress and egress to and from the site and on-site circulation are adequate to meet the needs of the development and will not be unreasonably detrimental to the surrounding road system or the Village.

The approved Preliminary Development Plan and any development agreements, covenants and restrictions submitted by an applicant shall continue to govern the development and/or redevelopment of property in the PPDD District by any successor or assignee of the applicant.

- (c) **Plan Amendments:** If changes are proposed to an approved PDP they will be considered pursuant to the following:
 - (1) **Administrative Amendments:** The Village Planning and Zoning Commission at the request of the applicant will consider an amendment(s) to the PDP pursuant to Chapter 1143 when the revision(s):
 - A. Are consistent with the development standards (Sections 1175.06 through 1175.10) for each Sub-District; or
 - B. Do not alter the boundaries of Sub-Districts PD-1 through PD-5 in a manner that increases or decreases the area of any Sub-District by more than 30%; provided, however, that such alterations shall not decrease the area of Sub-District PD-2; or
 - C. Requests to use the property in Sub-Districts PD-1, PD-2, PD-3, or PD-4 for a similar use that is not expressly permitted under this Chapter or any development agreement pertaining to the PPDD; or
 - D. Requests permission to exceed the building requirements set forth in Schedule 1175.06(a).

A proposed amendment that is submitted pursuant to Subsection (c)(1)A, B, C and D above, or that seeks to develop the property other than as set forth in the PDP, as it may be amended, will be approved by the Planning and Zoning Commission if it determines that such amendment is compatible with the character of the development and the intent and purposes of this District. In evaluating such amendment the Planning and Zoning Commission shall consider the following factors:

- The extent to which the request deviates from the provisions of this Chapter or the provisions of any applicable development agreement pertaining to the PPDD;
- The level of occupancy and the mix of uses in the development at the time of such request;
- Whether a traffic study shows that the traffic impacts can be mitigated with the same traffic control measures as have already been approved for the development or can be ameliorated with other traffic control measures that the Developer is willing and able to implement at its expense;
- Whether the requested amendment is consistent with the demographic target of the uses in the development at the time of such request and other uses proposed for the development; and
- Other regional or local trends that may have a bearing on the quality or economics of the development.

With respect to a request pursuant to this Subsection (c)(1)C and D, and at the request of the Planning and Zoning Commission, the applicant shall select at least one person with expertise relating to real estate leasing or development to assist the Planning and Zoning Commission in determining whether such amendment is compatible with the character of the development.

(2) Legislative Amendments:

- A. Village Council, pursuant to Chapter 1144, will consider an amendment to the PDP, with a recommendation from the Planning and Zoning Commission, but not requiring a referendum vote, when the revisions:
 1. Include uses that are not specifically listed as a permitted main use in Section 1175.05 and the Planning and Zoning Commission has determined such proposed use is not a similar use pursuant to Subsection (c)(1)C above. Nevertheless, Village Council, with the Planning and Zoning Commission's recommendation, determines that the proposed use(s) is nonetheless consistent with the purposes, intent, and quality characteristics of this Chapter and related covenants, restrictions, and agreements; or

2. Alter the boundaries of any Sub-District beyond the limitations specified in Sub-Section (c)(1) B, above.

B. Village Council, pursuant to Chapter 1144, will consider an amendment to the PDP, with a recommendation from the Planning and Zoning Commission, and subject to a referendum vote in the manner provided by Article III, Section 13, et seq., of the Orange Village Charter, when the revisions are proposed to alter the boundaries of or uses in PD-6.

Any approved amendment(s) shall be the binding development rights and restrictions for the PPDD and shall replace the previously approved PDP, as it may be amended.

(d) **Final Development Plan:** Subsequent to the rezoning, including the approval of the Preliminary PDP, no use shall be established or building constructed or altered except pursuant to the approval of a Final Development Plan as provided in Chapter 1143. A Final Development Plan shall be in substantial compliance with the approved PDP, as it may be amended, and may be submitted and approved for a phase or portion of the project area. Such Final Development Plan shall also include:

- (1) Site lighting including the height and location of poles and fixtures, lighting sources and power ratings, the amount of illumination and a photometric study indicating the light levels at all site locations including the perimeter property lines. Such information shall be provided with sufficient detail so that the Village is assured that the light trespass beyond the property lines will be zero and the site lighting will have no adverse impact on surrounding properties.
- (2) Sound studies that document the current sound levels which provide the base line to measure and evaluate the expected change once the project is constructed, with the intention of minimizing sound impacts on adjacent and other nearby residential property. This sound study should be undertaken using state of the art engineering practices.
- (3) Final drainage and detention plan including all water quality and Best Management Practice (BMP) devices, appurtenances, systems, detention/retention basins, permeable pavements, pavement design designations and other engineering calculations as required to determine the adequacy of storm water management for the project.

1175.04 DEFINITIONS.

For the purposes of this Chapter certain words and phrases shall have the following meanings:

- (a) **Building Height** - The height of the building may include projections or architectural features above the maximum building height as defined in Section 1140.05 (10) provided that such additional height is in compliance with the buffering requirements of Section 1175.07(a).
- (b) **Convenience Retail** – Convenience stores (which are commonly referred to in the retail industry as those stores or services meeting the regular daily or weekly needs of the consumer in the immediate surrounding market area) include but are not limited to: drug stores, pharmacies, barber shops and dry cleaners. For the purposes of this Chapter, restaurants, coffee shops, and similar food service businesses and beauty salons are not considered “convenience stores.”
- (c) **Designer Store** – A retail establishment that sells designer products directly to the public,

regardless of whether it uses the word "outlet" in its name.

- (d) Drive-up/Drive Thru - Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in"
- (e) Driveway - Any vehicle access other than a public street or private street as defined in Section 1175.04 (n), below.
- (f) Entertainment Use – An establishment that is open to the general public wherein the activity is to primarily provide entertainment to adult customers or minors accompanied by adults including (without limitation) movie theaters, live performance space, bowling alleys, bocci courts, and high-end bars specializing in craft beers and/or craft cocktails.
- (g) Flat – A dwelling unit that is all on one floor and in a building with a minimum of four (4) dwelling units
- (h) General Merchandise Discount Store – A retail establishment that offers a variety of product lines that are stocked in considerable depth and at discount prices.
- (i) Fashion Department Store - A retail establishment greater than 25,000 square feet in floor area specializing primarily in the sale of a wide range of fashion-related products (including but not limited to clothing, jewelry, shoes, cosmetics, and related accessories), without a single predominant merchandise line, and with more than two customer checkout areas scattered throughout the store.
- (j) Outdoor Dining - The portion of a restaurant where food and drink are prepared inside the establishment and consumed at tables and chairs outside the principal building in an area adjacent to the principal building.
- (k) Outdoor Display - Goods sold on the premise, that are placed outdoors, are not in their bulk shipping package, are placed ready for the consumer to pick-up, and the display area is less than twenty (20%) percent of the floor area of the tenant space or 1,500 square feet, whichever is less.
- (l) Outdoor Storage - The placement of goods, materials, merchandise or vehicles in an area outside of a building or structure and in the same place for more than 24 hours. The areas where the goods are placed are not available or open to the consumer and the goods are not placed or available for direct purchase by the consumer.
- (m) Outlet Store – A retail establishment that primarily sells "odd lot," "close out," "clearance," "discontinued," "cancellation," "factory reject," "ample," "overstock," or "surplus" merchandise.
- (n) Private Street - A major circulation route to and from the PPDD and traversing through the development that is required for perpetual access as determined by the Planning and Zoning Commission and explicitly designated on the PDP.
- (o) Restaurant ; Counter Service - A restaurant whose principal business is the selling and serving of food, beverages and/or desserts and the facility is designed and arranged with the intention of the customer ordering and picking-up the food and/or drink in a ready-to-consume state at a service counter with the consumption of the food occurring either within or off the premise. A counter-service restaurant may or may not also meet the definition of Fast Food Service Restaurant

- (p) Restaurant; Fast Food Service – A restaurant whose principal business is the sale and serving of previously prepared and/or cooked food from a customer service counter which results in minimal time required between the time the order is placed by the customer and the food is delivered to the customer at the counter; the customer is equally as likely to carry the delivered food either off the premise for consumption or carry the food for consumption to available tables on the premise that do not have any table settings, and service from employees is not available.
- (q) Restaurant; Table Service - A restaurant whose principal business is the selling and serving of food, beverages and/or desserts in a ready-to-consume state where customers are served at tables with the consumption of the food, predominantly within the building and customers are seated.
- (r) Retail Store – An establishment that offers goods or services for sale to the public including, without limitation, a fashion department store, designer store, and convenience store.
- (s) Townhome – A dwelling unit that is structurally attached to another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings and extending from the basement floor to the roof and with each unit having separate ground floor entrances directly to the unit from the outside and attached garages.
- (t) Villa – A dwelling unit that may or may not be structurally attached to another, with each unit having separate ground floor entrances directly to the unit from the outside and attached garages.

1175.05 USE REGULATIONS.

In the PPDD, a building or the land shall only be used, designed, erected, altered, or moved for a main or accessory use that is set forth in this Section 1175.05 or as approved pursuant to Section 1175.03(c).

- (a) A use listed in Schedule 1175.05 shall be permitted by right when denoted by the letter “P” if all requirements of other Village ordinances and this Zoning Code have been met, except that:
 - (1) The following uses are prohibited:
 - A. General merchandise discount stores.
 - B. Membership-only stores (including discount clubs).
 - C. Hardware or home-improvement stores primarily stocking lumber, building materials, and building supplies.
 - D. Stores primarily selling used merchandise, second-hand merchandise, samples, and floor models, demonstration merchandise, fire-sale merchandise, store-closing merchandise, and damaged merchandise.
 - E. Stores primarily selling on consignment except that such stores primarily selling art and/or jewelry on consignment are not prohibited.
 - F. Nightclubs, discotheques, and banquet halls unless part of a permitted hotel.

- G. Bars unless incidental to a restaurant or hotel, except that high-end bars specializing in craft beers (which may include a micro-brewery), wine, and/or craft cocktails shall be permitted.
- H. Entertainment uses that primarily offer amusement galleries, massage parlors, sporting events, sports or game facilities, internet cafes, off-track betting clubs; provided, however, that the offering of therapeutic massages shall not be construed as an entertainment use or prohibited hereunder.
- I. Automotive services and uses, such as automobile and truck dealerships (including sales, rental, and leasing), automobile service stations, carwashes, and automotive body shops.
- J. Outdoor storage of any kind.
- K. Outdoor commercial recreation such as, but not limited to, go-carts, miniature golf, and batting cages.
- L. Veterinary hospitals and kennels.
- M. Funeral homes and the sale of cemetery memorials.
- N. Nursing homes or assisted living facilities.
- O. Uses by governmental or not-for-profit entities, except for those uses determined by Orange Village to be necessary for Orange Village purposes.
- P. General grocery stores exceeding 30,000 square feet of floor area, except that upscale general grocery stores in excess of 30,000 square feet may be approved by the Planning and Zoning Commission in accordance with Section 1175.03(c)(1) above.
- Q. Outlet stores.
- R. Regulated Uses as defined by Section 735.02(e) of this Zoning Code concerning Adult Entertainment Establishments.

(2) To the extent the following uses are otherwise permitted, they are restricted as follows:

- A. Fashion Department Stores other than upscale Fashion Department Stores such as Neiman Marcus, Bloomingdale's, Barney's of New York, Harrods, and Lord & Taylor shall be limited to one floor and shall not exceed 100,000 square feet of floor area.
- B. Dance halls, fitness centers, karate, and similar uses are prohibited on the ground floor.

- C. Offices are not permitted on the ground floor in Sub-District PD-1 unless the specific locations for such offices are depicted on the preliminary site plan included with an approved PDP.
 - D. Movie theaters shall have 200 or fewer seats for each individual screening theater and include supportive activities such as dining on the same premises and shall admit only those 21 and over unless accompanied by an adult.
 - E. Restaurants in Sub-Districts PD-1 and PD-2 shall not comprise more than 15% of the combined floor area of the PD-1 and PD-2 Sub-Districts.
 - F. Fast food Restaurants are only permitted when there are not more than two such restaurants with the same name, and generally the same menu within a 30 mile radius of the PPDD at the time of the initial occupancy of such restaurant.
 - G. No more than one camping, hunting, fishing or outdoor-life store may exceed 20,000 square feet of floor area.
 - H. Sporting goods stores are only permitted when there are no more than two such stores with the same name and product line within a 30 mile radius of the PPDD.
 - I. The sale of firearms and ammunition shall not comprise more than 10% of the sales floor area of any store.
 - J. There may be only one hotel, which hotel shall be as defined in Section 1140.05(21) except that, notwithstanding any provision to the contrary contained in such section, cooking facilities shall be permitted in hotel rooms in the PPDD.
 - K. Convenience Stores are: permitted on the first and second floors in Sub-Districts PD-2; only permitted on the second floor in Sub-Districts PD-3 and PD-4; and are not permitted in PD-1.
- (b) A use listed in Schedule 1175.05 shall be allowed as an accessory use to a permitted use in the same or any other Sub-District when denoted by the letter "A".

**SCHEDULE 1175.05
PERMITTED USES**

	PD – 1 Retail Office	PD – 2 Limited Retail Office	PD – 3 Mixed- Use/Hotel	PD – 4 Mixed-Use	PD – 5 Residential	PD – 6 Open Space/ Conservation
PERMITTED USES						
Residential						
Townhomes			P	P	P	
Flats			P	P	P	
Villas			P	P	P	
Residential above First Floor	P	P	P	P		
Retail						
Retail and Professional Services						
Retail	P	P	P	P		
Drive-thrus/Drive-ups – for Permitted Uses	P	P	P	P		
Offices above First Floor	P	P	P	P		
Offices at Ground Floor		P	P	P		
Restaurants – Table Service	P	P	P	P		
Restaurants – Counter Service	P	P	P	P		
Outdoor Dining	P	P	P	P		
Hotel			P			
Entertainment Uses	P		P	P		
Banks	P	P	P	P		
Walk-Up ATM's Only	P	P	P	P		
Other Principal Uses						
Community Park/Activity Area	P	P	P	P	P	
Open space, Conservation, Buffering	P	P	P	P	P	P
Accessory Uses						
Outdoor Displays	A	A	A	A		
Off-Street Parking	A	A	A	A	A	
Parking Garages	A	A	A	A	A	
Signs	A	A	A	A	A	
Trash Enclosures	A	A	A	A	A	
Fences	A	A	A	A	A	
Gatehouse, Pool House					A	
Maintenance Building	A	A	A	A	A	
Tennis courts					A	

1175.06 DEVELOPMENT STANDARDS – ALL SUB-DISTRICTS

- (a) Schedule 1175.06(a) sets forth the requirements for building and tenant sizes, building coverage, open space, and maximum building height.

**SCHEDULE 1175.06(a)
BUILDING REQUIREMENTS**

	PD – 1 Retail Office	PD – 2 Limited Retail Office	PD – 3 Mixed- Use/Hotel	PD – 4 Mixed-Use	PD – 5 Residential	PD – 6 Open Space/ Conservation
Maximum building footprint	NA	30,000	30,000	100,000	NA	NA
Maximum Tenant Footprint (SF)	50,000 (i)	15,000	30,000	30,000	NA	NA
Maximum Building Height above grade (in feet) (ii)	45	45	45/72 (iii)	45/72 (iv)	45	NA
Maximum building lot coverage	NA	35%	35%	35%	NA	NA
Maximum Density	NA	NA	NA	NA	10/acre	NA
Minimum Pervious Surface Area	10% (v)	30%	20%	20%	50%	100%

Notes to Schedule 1175.06(a):

- (i) In addition to tenants that do not exceed the maximum tenant footprint in the PD-1 Sub-District, one tenant in the PD-1 Sub-District may have a maximum tenant footprint of 100,000 SF and one tenant in the PD-1 Sub-District may have a maximum tenant footprint of 80,000 SF.
- (ii) Additional height above one floor is only permitted when in compliance with the screening requirements for PD-6 in Section 1175.07.
- (iii) The maximum building height in Sub-District PD-3 may be increased to 72 feet for a building containing a movie theater and may be increased to 50 feet for a hotel.
- (iv) The maximum building height in Sub-District PD-4 may be increased to 72 feet for a building containing a movie theater when the building is a minimum of 300 feet from the boundary of Sub-District PD-6 and the buffer/screening complies with Section 1175.07.
- (v) In addition to the required 10% pervious surface area, the main parking lot of Sub-District PD-1 shall also incorporate two rows of “diamond shaped” planting areas, from the north end to the south end, as illustrated on the preliminary site plan in the PDP with the further purpose of breaking up the large expanse of the parking area without materially resulting in a reduction in the number of parking spaces or a reduction in the building floor area.

(b) Schedule 1175.06 (b) sets forth the requirements for building and parking setbacks.

**SCHEDULE 1175.06(b)
BUILDING AND PARKING SETBACKS**

	PD – 1 Retail Office	PD – 2 Limited Retail Office	PD – 3 Mixed- Use/Hotel	PD – 4 Mixed-Use	PD – 5 Residential	PD – 6 Open Space/ Conservation
Minimum Building Setback From:						
Harvard Road	-	110 FT	-	-	-	-
PD-6	34 FT	-	-	34 FT	-	-
Residential – East	-	110FT	-	60 FT (i)	35 FT	-
Orange Place	-	60 FT	20 FT	75 Ft	-	-
Commercial - North	-	-	-	35 Ft	35FT	-
Commercial - West	-	-	35 FT	35 FT	35 FT	-
Minimum Surface Parking Setback From:						
Harvard Road	-	60 FT	-	-	-	-
PD-6	0 FT	-	-	0 FT	-	-
Residential – East,	-	60 FT	-	20 FT	20FT	-
Orange Place	-	30 FT	0 FT	20 FT	-	-
Commercial - North	-	-	-	-	10FT	-
Commercial - West	-	-	10 FT	-	10 FT	
Notes to Schedule 1175.06(b): (i) If the building is exclusively for residential use, then the minimum set back is 35 feet provided that a residential building shall be set back a distance equal to no less than the height of the building.						

1175.07 SUPPLEMENTAL SCREENING/BUFFERING STANDARDS – PD-6 OPEN SPACE/CONSERVATION

(a) The buffer in Sub-District PD-6 shall be designed so that the sight line from a person standing on the second floor of a dwelling on Waterford Court is not able to see the top of any building or roof type device (i.e. mechanical and/or communication equipment) in Sub-Districts PD-1 through PD-5 based on the building heights and site plan depicted on the approved Preliminary Development Plan. Roof top equipment shall be screened by appropriate parapet walls or other architectural devices as approved with the Final Development Plan.

(b) At the time the Preliminary Development Plan is amended, or a Final Development Plan is being

considered, the Village Engineer shall verify to the Planning and Zoning Commission that the buffer in Sub-District PD-6 is in compliance with the standard in Sub-Section (a), above, or advise the Planning and Zoning Commission of the remedial changes that are necessary to bring Sub-District PD-6 into compliance with Sub-Section (a), above.

- (c) As a condition of issuance of a building permit for any building in Sub-Districts PD-1 through PD-5, the applicant's project architect or civil engineer shall certify in writing to the Village and the Waterford Court Homeowners Association, Inc. (the "HOA") that a person standing on the second floor of a dwelling on Waterford Court will not be able to see the top of any building or roof type device (i.e. mechanical and/or communication equipment) in Sub-Districts PD-1 through PD-5 based on the architectural plans for such building.

1175.08 SUPPLEMENTAL DEVELOPMENT STANDARDS – RESIDENTIAL

- (a) The minimum size of the dwelling units shall be according to Schedule 1175.08(a).

SCHEDULE 1175.08(a) MINIMUM SIZE OF DWELLING UNITS

Dwelling Type	Studio/1-Bdrm	2-Bdrm	3-Bdrm or Greater
Flats	850 SF(i)	1,200 SF	1,600 SF
Villas	Not Permitted	1,600 SF	2,000 SF
Townhomes	Not Permitted	1,400 SF	1,800 SF
Notes to Schedule 1175.08(a): (i) Studio/1-Bdrm dwelling units shall not comprise more than fifteen (15%) percent of the total number of flats.			

- (b) Dwelling units shall be governed by a declaration of covenants and restrictions, condominium documents, or other similar documents, which shall be subject to review and reasonable approval by the Village.

1175.09 PARKING FACILITIES.

Parking and driveways shall be permitted as an accessory use in accordance with the standards and regulations of Chapter 1162 **Off-Street Parking and Loading** except as modified herein.

- (a) The parking provided to satisfy the requirements for non-residential uses in this PPDD may be on surface parking lots or in enclosed garages or structured parking decks. Any structured parking proposed above the grade of the site at the time the Preliminary Development Plan is approved, as it may be amended, shall be considered a building and set back from property lines as set forth in Schedule 1175.06 (b).
- (b) The required parking for residential uses shall be enclosed parking which is either attached to the dwelling or has direct indoor/enclosed access from the parking garage to the dwelling unit. In addition, one guest parking space at grade shall be provided for every three (3) dwelling units and these spaces shall be reasonably distributed throughout the development to provide the maximum convenience to each dwelling unit.
- (c) The minimum required parking for retail uses shall be three and one half (3.5) spaces per one thousand (1,000) square feet of gross floor area and for office uses three (3) spaces per one thousand (1,000) square feet of gross floor area.

- (d) The maximum amount of parking provided for the commercial development in Sub-Districts PD-1, PD-2, and PD-4 shall not exceed 5.4 spaces per 1,000 square feet of gross floor area.
- (e) Drive aisles providing direct access to parking spaces shall be a minimum of twenty-two (22) feet in width.
- (f) Notwithstanding the requirements set forth in this Section, the Planning and Zoning Commission may approve a lesser amount of parking than required taking into consideration: the hours of operation of uses; the overlap in parking demand by different adjacent uses; and the operating characteristics of the specific uses proposed. The land areas resulting from such parking reductions shall be improved as landscaped green space areas, as approved in the Final Development Plan, until such time as they may be needed as surface parking as determined by the Planning and Zoning Commission.
- (g) The design of the parking areas and related circulation, landscaping, open space, and pedestrian areas shall be as approved on the Preliminary Development Plan, as it may be amended.

1175.10 SIGNS.

The signs for the PPDD shall be based on a comprehensive sign plan and sign criteria for free-standing project entry signs, wall signs, window signs, and incidental instructional signs throughout the development which shall be submitted and approved by the Planning and Zoning Commission as part of the PDP. This comprehensive sign plan shall include standards and criteria for height; area; location on the building and/or site; materials for the cabinet, frame, and base.

1175.11 LAND PLANNING/SITE DEVELOPMENT PRINCIPLES AND CRITERIA.

The following planning guidelines are established to guide the planning, development and use of the land in a PPDD.

- (a) Landscaping prototypes for buffering, parking islands, pedestrian areas and site amenities for areas Sub-Districts PD- 1 through PD – 5 shall be depicted on the Preliminary Development Plan. However, the landscaping and mounding for Sub-District PD-6 shall be developed as a definitive fully developed landscape plan which specifies: the proposed grading; the plant material and the number of each type, the size at planting, the spacing, and the breadth and height within three (3) years of planting.
- (b) Parking lots shall be screened from adjacent residential uses and public streets with dense evergreen hedges or trees and/or earthen mounds or other effective screening as illustrated on the Preliminary Development Plan, as it may be amended.
- (c) Lighting of drives, sidewalks and parking areas shall be adequate to provide safety but the location, number, height and level of illumination shall be approved by the Planning and Zoning Commission and Village Council as part of the Final Development Plan. Lighting shall be designed to not have excessive brightness, to not have light trespass on adjacent property and to not create "hot spots" of light.
- (d) The development shall be designed to utilize the natural contours of the land, economize in the construction of utilities, and reduce the amount of grading to the extent practicable.
- (e) Utility services including gas, water, sewers, electric, cable and telephone, shall be installed underground in compliance with relevant Village ordinances and all other applicable regulations and requirements.
- (f) Exclusive of Sub-District PD-6, the development shall include a system of pedestrian plazas and

walkways that interconnect the entire development and, to the extent reasonably feasible, with Village pedestrian paths and bikeways outside the development to the extent such paths and bikeways adjoin the development. Such connections shall include other features such as decorative street furniture, outdoor seating, bicycle facilities, decorative pavement to indicate pedestrian areas and crosswalks, and traffic calming measures as appropriate.

- (g) Retention/detention, when proposed as open basins or ponds, shall be designed to be an integral part of an amenity to the development. The borders of retention basins shall have natural or curvilinear shapes and shall be planted with grass and trees to blend in with the landscape features of the development. Where deep basins occur, adequate protection is to be provided to prevent pedestrians or vehicles from dangers arising from the design of these facilities, and such protection may include, but is not limited to, fences, guard rails or other warning devices as deemed necessary.
- (h) In Sub-District PD-6, the open space shall be guaranteed from further subdivision and/or use through deed restrictions or covenants. All such open space shall be maintained by the owner of the majority of the land in Sub-Districts PD-1 through PD-4 and PD-6.
- (i) Private streets in Sub-Districts PD-1, PD-3, PD-4, and PD-5 as identified on the Preliminary Development Plan, as it may be amended, shall be constructed to Village construction standards for public streets unless an alternate standard is approved by the Planning and Zoning Commission at the time the Final Development Plan is approved. All private streets in Sub-Districts PD-1, PD-3 and PD -4 shall be within an easement granted to the Village which assures perpetual public access. All private streets in PD-5 shall be accessible for the provision of municipal services. The land areas of the designated private streets shall be maintained by the owners thereof.
- (j) Trash storage containers and compactors shall be enclosed with a masonry wall at such minimum height, but not less than six (6) feet, as necessary to fully screen the top of any trash storage device on three sides with a closable door/gate on the fourth side. Trash enclosures shall be screened with landscaping and located as depicted on the Final Development Plan.
- (k) Sound barriers shall be installed for all HVAC, outdoor refrigeration systems, and trash compactors located in Sub-District PD-1.
- (l) Each restaurant in Sub-District PD-1 shall have installed and operate an odor abatement system for its kitchen exhaust system.
- (m) From 8:00PM to 8:00AM, no rubbish shall be collected from, or deliveries made to or from, the rear of any building located in Sub-District PD-1. From 8:00PM to 8:00AM, no trucks shall make any deliveries to the rear of any building located in Sub-District PD-1.
- (n) As a condition of issuance of a building permit for any building in Sub-Districts PD-1 through PD-5, the Developer's project architect or civil engineer shall certify in writing to Developer and the Waterford Court Homeowners Association, Inc. (the "HOA") that a person standing on the second floor of a dwelling on Waterford Court will not be able to see the top of any building or roof type device (i.e. mechanical and/or communication equipment) in Sub-Districts PD-1 through PD-5 based on the architectural plans for such building.
- (o) Upon completion of construction of the development, the ambient (i.e., background) noise level on Waterford Court as measured using the A weighted decibel scale shall not increase in a manner perceptible by the average human ear as determined by a sound professional

comparing sound studies that document the pre- and post-construction sound levels using a variety of sound level descriptors.

1175.12 COMMERCIAL BUILDING DESIGN STANDARDS AND GUIDELINES

- (a) The building design guidelines, prepared by the applicant and approved with the Preliminary Development Plan, as it may be amended, may include a variety of building arrangements including, but not limited to, the bulk and shape of the buildings, open space and landscape features and architectural styles, yet the buildings shall be arranged in various groups, courts or clusters with open spaces related to the buildings to create a harmonious and coordinated architectural design for the entire development area.
- (b) Exteriors of buildings shall have finished materials on all sides except those that face non-public or service areas that are thoroughly screened. Exterior Finished materials shall not include exposed concrete, cinder block, or acrylic stucco (commonly known as "dryvit" or "EIFS") except when it is used as an accent in association with recessed or protruding belt courses, wide reveals, or combinations thereof.
- (c) A combination of materials, textures, colors and finishes are to be used to create visual interest.
- (d) While flexibility in design is encouraged, the following design standards shall be incorporated in the Preliminary and Final Development Plans:
 - (1) When the wall of a building faces a public right-of-way, or public parking area, or is within forty five (45) degrees of facing a public right-of-way, such walls shall have no more than thirty (30) feet of contiguous wall length, on any ground floor, unless the wall includes architectural features such as windows, piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created. In satisfying this requirement windows may be transparent or opaque representations.
 - (2) Front walls shall have a horizontal offset a minimum of ten (10) feet no less than every three hundred (300) feet of building frontage.
 - (3) Walls that meet the following criteria shall be exempt from the requirements of Sub Section(b)(1) and (2) above:
 - A. Two walls that face one another, are separated by not more than thirty (30) feet, and the space between the two walls is used for servicing the buildings, or
 - B. The wall faces an area devoted solely to loading and delivery and the wall is screened from view from all public rights-of-ways, parking areas, and abutting residential areas as approved in the Preliminary Development Plan, as it may be amended.
- (e) Tenant spaces within commercial buildings shall be fully finished and include carpeted, wood, special treated or ceramic flooring, interior wall finish treatments and surfaces, varied ceilings with multiple levels, merchandise displays and fixtures found in upscale establishments, segregated fitting rooms, and ambient and accent lighting consistent with refined retail design.

1175.13 RESIDENTIAL BUILDING DESIGN STANDARDS AND GUIDELINES

- (a) The building design guidelines, prepared by the applicant and approved with the Preliminary Development Plan, as it may be amended, may include a variety of building arrangements including, but not limited to, the bulk and shape of the buildings, open space and landscape features and architectural styles, yet the buildings shall be arranged in various groups, courts or clusters with open spaces related to the buildings to create a harmonious and coordinated architectural design for the entire development area.
- (b) Buildings shall have finished materials on all sides except those that face non-public or service areas that are thoroughly screened. Finished materials shall not include exposed concrete, cinder block, or acrylic stucco (commonly known as "dryvit" or "EIFS") except when it is used as an accent in association with recessed or protruding belt courses, wide reveals, or combinations thereof.
- (c) A combination of materials, textures, colors and finishes are to be used to create visual interest.
- (d) Interior spaces shall include a variety of floor arrangements, décor, and distinctive design details to reflect the design and material quality of the exterior, and the overall high quality mandated throughout the Development. To this end, the preponderance of finishes and fixtures such as appliances, hardware, windows, doors, cabinets, etc. shall be of the highest reasonably feasible quality and be near the top end of the products being currently built in the marketplace. Conversely, finishes, fixtures, appliances, hardware, windows, doors, cabinets that are of quality generally referred to as "builders grade," and commonly associated with large scale and modest price residential developments, shall not be prevalent in any residential unit.

1175.14 U-1 DEVELOPMENT

Should development of the property or portion thereof not proceed according to the approved PDP, as it may be amended, the property owner(s) may continue to develop and use the property in accordance with Chapter 1148 of this Zoning Code.

1175.15 CONFLICT.

Where there is a conflict between the provisions of this Chapter and other provisions in the Zoning Code, the provisions of this Chapter shall govern.