



City of Port Clinton  
1868 E. Perry Street  
Port Clinton, Ohio 43452  
419-734-5522

## APPLICATION FOR SPECIAL USE

To the Planning Commission of the City of Port Clinton:

The Undersigned, owner(s) of real estate in Port Clinton, Ohio hereby request that you consider permitting the following legally described land as a special use (**Provide legal description or address, property owner, and phone number**):

\_\_\_\_\_  
\_\_\_\_\_

This area is (present use): \_\_\_\_\_

and is intended to be used for: \_\_\_\_\_

Must include (6) six copies plans /drawings. In addition to any supporting material to be included as part of this application.

Provide below the **surrounding property owners and address** within 200 feet of above property.

Property Owner

Address

_____	_____
_____	_____
_____	_____

Date Filed \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Date: \_\_\_\_\_

Date of Commission Hearing: \_\_\_\_\_ Time: \_\_\_\_\_

Commission Action: ☐ Approved ☐ Denied

Comments: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



Applicant: \_\_\_\_\_  
Application #: \_\_\_\_\_

CITY OF PORT CLINTON PLANNING COMMISSION  
SPECIAL USE FINDINGS OF FACT

With regard to the Request for a Special Use to allow for \_\_\_\_\_

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Mr./Ms. \_\_\_\_\_ hereby moves that the Commission adopt and make the following findings of fact:

1. The location, size and character of the proposed development will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the District in which it is to be located.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. The proposed development is in accord with the overall development plans of the area.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The proposed development will be in keeping with the existing land use character and physical development potential of the area.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The necessity or desirability of the proposed use to the neighborhood or community has been proven.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. If permitted, the use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes or traffic flow, proximity, and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Applicant: \_\_\_\_\_

Application #: \_\_\_\_\_

6. The use will be designed as to its location, size, intensity, site layout and periods of operation to eliminate any possible nuisances emanating therefrom which might be injurious to any nearby occupants or their property, whether by reason of dust, noise, fumes, vibration, smoke, lights, etc.

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7. The use will be such that the proposed location and height of buildings or structures and the location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

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It is further moved that after considering and weighing these factors, the Commission has given due regard to the nature and condition of all adjacent uses and structure, that there (is / is not) a preponderance of reliable, probative and substantial testimony and evidence that (supports / does not support) the applicants request for the Special Use and hereby (**APPROVES / DENIES / APPROVES WITH THE FOLLOWING CONDITIONS**) the request. The conditions for approval, if any, include:

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Motion Seconded by: Mr. / Ms. \_\_\_\_\_

Vote: Aye \_\_\_\_\_ Nay \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Aye \_\_\_\_\_ Nay \_\_\_\_\_

Adjudication Hearing Date: \_\_\_\_\_

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson



## CHAPTER 1139 Special Uses

- 1139.01 Purpose.**
- 1139.02 Procedure.**
- 1139.03 General criteria of approval.**
- 1139.04 Specific criteria of approval.**

### CROSS REFERENCES

- Fee for special use permit - see P. & Z. **1103.01**
- Use defined - see P. & Z. **1125.02**
- Zoning permit for special uses - see P. & Z. **1127.04**
- Additional uses determined by Board - see P. & Z. **1135.03**
- Uses exempted - see P. & Z. **1135.12**

### **1139.01 PURPOSE.**

Prior experience in the administration of land use regulations in the City has shown the need for more flexibility in the review of locational decisions for various uses which because of their peculiar characteristics require a complete analysis for the particular use, in the particular location, at a particular point in time. It is the purpose of the special use device to analyze various specific uses in relationship to the interests of the users of the proposed use, the adjacent property owners and the entire community.  
(Ord. 18-90. Passed 6-26-90.)

### **1139.02 PROCEDURE.**

Special uses may be granted where Chapter **1137** indicates a special use may be permitted. The following procedure shall be followed for all special uses:

- (a) Written application for approval is submitted to the Planning Commission accompanied by a fee to be established by Council for administration and procedural costs.
- (b) The Commission shall hold a public hearing, cause the lot in question to be posted at least ten days before the date of hearing, with a sign to state the date and nature of the request. The Commission shall establish criteria for composition and size of the sign.
- (c) The applicant shall submit such plans as the Commission sees necessary to make the determination as to whether or not such special use shall be permitted.
- (d) Within sixty days of the time the application is officially filed with the Commission, the Commission shall make a written determination of approval, disapproval or modification.
- (e) Within fifteen days from written notice of action by the Commission, the applicant may appeal the decision to Council. If an appeal is made, Council shall proceed as required by law for amendment, and the action of the Commission shall be considered a recommendation. Council shall proceed as specified in Chapter **1133**.

(Ord. 18-90. Passed 6-26-90.)

### **1139.03 GENERAL CRITERIA OF APPROVAL.**

The Planning Commission may grant a special use as permitted in Chapter **1137** provided the following conditions are met:

- (a) Such special use is deemed essential or desirable to the public convenience or welfare.
- (b) Such use is in harmony with existing recommendations and objectives of the Comprehensive Development Plan of the City.
- (c) All district regulations regarding required setbacks, yard areas, off-street parking and other regulations are met.
- (d) The performance of the special use is similar to the district in which located; except that necessary public facilities are a necessity to the public welfare and safety.
- (e) Landscaping, buffering or improvements as necessary to protect the public interest are provided as the Commission sees fit.
- (f) When appropriate, review of chemicals to be used to determine risk factors as determined by SARA Title III in commercial and industrial proposals.

(Ord. 18-90. Passed 6-26-90.)

### **1139.04 SPECIFIC CRITERIA OF APPROVAL.**



(a) Waterfront Business District Uses. Special uses permitted in the Waterfront District (WB) shall meet the following requirements:

(1) The layout design of the special use is strictly compatible with adjacent uses for maintaining a maximum view of the water from adjacent areas and from within the area.

(2) The use would not be equally desirable in another district.

(3) Such special uses shall make the fullest use possible of the natural resources including any of the following: use of the water itself, use of such site arrangements as to enhance scenic views toward the water, such building characteristics as to enhance the scenic and aesthetic values of waterfront property in general.

(b) Manufactured Home Subdivision. A manufactured home subdivision may be permitted as specified in Chapter 1137 provided the following additional conditions are met:

(1) No less than a ten acre site is planned and approved.

(2) No less than fifty manufactured home sites are available for occupancy at first sale.

(3) Each lot within the subdivision shall contain a minimum of 7,000 square feet of area.

(4) The minimum ground floor area, sanitary and other requirements of the district in which it is located are met.

(5) The proposed manufactured home subdivision is approved as a plat by the Planning Commission and so recorded.

(6) A minimum of ten percent (10%) of the gross acreage of the subdivision shall be set aside for recreation/open space purposes. This acreage should be one large space or area where possible.

(c) Manufactured Home Park. A manufactured home park may be permitted as specified in Chapter 1137 provided the following additional conditions are met:

(1) Not less than ten acre site is planned and approved.

(2) Not less than fifty manufactured home sites are ready for occupancy at first opening.

(3) The minimum ground floor area, sanitary and other requirements of the district in which it is located are met.

(4) All the land in the manufactured home park is retained in single ownership.

(5) Each manufactured home shall be provided with exclusive space of not less than 4,000 square feet of land.

(6) Gross land area of the manufactured home park shall not be less than 6,000 square feet per manufactured home unit space provided.

(7) The manufactured home park shall be suitably screened from any adjoining residential property to the satisfaction of the Planning Commission.

(8) Each manufactured home shall be located on its appropriate site observing a five foot minimum setback from the side lines of such site and a ten foot minimum setback from the front and rear lines of such site.

(9) The preliminary and final plans for each manufactured home park shall have the approval of the Commission.

(d) Travel Trailer Park. A travel trailer park may be permitted as specified in Chapter 1137 provided the following additional conditions are met:

(1) Such use does not detract from the character of surrounding uses.

(2) At least 1,600 square feet of land is provided for each trailer site.

(3) The proposed travel trailer park is of a site not less than five acres with not less than fifty sites available at first use.

(4) The site is suitably screened from adjacent uses to the satisfaction of the Commission.

(5) All local sanitary requirements shall be complied with.

(6) The preliminary and final plans for each travel trailer park site shall have the prior approval of the Commission.

(e) Individual Manufactured Homes, Industrialized Units, Modular Units, Travel Trailers and Boat Storage.

(1) Manufactured homes shall be permitted on individual houselots if the unit has a HUD certification and all other requirements of the district in which it is located are met.

(2) Industrialized units shall be permitted on individual houselots if the unit has been approved by the State and has been issued a legislative seal. All other requirements of the district in which it is located shall



be met.

(3) Modular units as defined in Section 1125.02 herein shall be permitted on individual houselots.

(4) Travel trailers when used for habitation shall only be located in approved travel trailer parks. The temporary storage of one travel trailer in the rear or side yard of the residence premises owned or leased by the owner of such travel trailer shall be permitted so long as the travel trailer is not used for human habitation or dwelling purposes during such temporary storage and all setback requirements are observed. In the event of a corner lot, such temporary storage of a travel trailer shall not occur in the side yard which abuts the street right of way.

(5) Tents are prohibited from use for habitation purposes in all districts.

(6) The temporary storage of a boat in the rear or side yard of the residence premises owned or leased by the owner of such boat shall be permitted if all setback requirements are met. In the case of a corner lot, such temporary storage shall not occur in the side yard abutting the street.

(f) Regulations for Adult Entertainment Businesses. It is the intent of this section to regulate adult entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks and playgrounds within the City of Port Clinton.

(1) The following definitions shall apply in the interpretation of this ordinance:

A. "Adult entertainment business" means an adult book store, adult motion picture theater, or an adult only entertainment establishment as further defined in this section.

B. "Adult book store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials as defined herein.

C. "Adult motion picture theater" means an enclosed motion picture theater which is regularly used or utilized fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or related to adult material as defined herein.

D. "Adult only entertainment establishment" means an establishment where the patron, directly or indirectly, is charged a fee and where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators, or similar entertainment or services which constitute adult material.

E. "Adult material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and:

1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

F. "Bottomless" means less than full opaque covering of male or female genitals' pubic area or buttocks.

G. "Nude or nudity" means the showing, representation or depiction of human male or female genitals, pubic area, or buttocks, with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

H. "Topless" means the showing of a female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple.

I. "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttocks, pubic regions, or if the person is a female, a breast(s) for the purpose of sexually arousing or gratifying either person.

J. "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.



(2) No building shall be erected, constructed, or developed and no building or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a special use permit in accordance with the requirements herein. In addition, an adult entertainment business shall comply with the following special use criteria:

A. Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located,

B. No adult entertainment business shall be permitted in a location which is within one thousand, five hundred (1,500) feet of another adult entertainment business;

C. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any church, public or private school, park, playground, or social service facility or neighborhood center;

D. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any residence or boundary of a residential district;

E. No adult entertainment business shall be permitted in a location which is within one thousand (1,000) feet of any residence or boundary of any residential district in a local unit of government abutting the City of Port Clinton.

(g) Floating Dwelling Community. A development for floating dwellings shall be subject to the site plan review process, if the proposed development is to be located within an overlay zone area.

The following additional requirements shall be met.

(1) Area and Width Requirements for Floating Dwelling Community:

A. Within the development site, each site to be occupied by a floating dwelling shall have a minimum width of forty (40) feet and a minimum area of two thousand (2,000) square feet. In addition to the minimum site area for the floating dwelling, an area of dry land above the elevation of 574 feet U.S.G.S. and containing at least two thousand (2,000) square feet will be required for each dwelling within the development site and it shall be used to provide individual access, utilities required by the development, off-street vehicle parking as regulated in Chapter 1145 of this Ordinance, and common open space and recreational areas. The maximum dwelling density will be ten (10) floating dwellings per gross acre (land & water).

B. If the site(s) upon which the floating dwelling(s) are located are intended to be sold as individual lots with transfer of ownership, as provided by Chapter 711 of the Ohio Revised Code, the floating dwelling community shall also comply with all requirements of the Port Clinton Subdivision Regulations including the minimum lot area of four thousand, eight hundred (4,800) square feet per lot.

(2) Water and Sanitary Sewer

A. All floating dwelling shall be connected to public water and public sanitary sewer service provided by the City of Port Clinton.

(3) Dimensional Requirements for a Floating Dwelling

A. Single story floating dwellings shall have a minimum floor area, exclusive of decks and mooring areas, of not less than 600 square feet.

B. Floating dwellings in excess of a single story shall have a minimum floor area, exclusive of decks and mooring areas, of not less than 800 square feet.

C. The maximum height of a floating dwelling shall not exceed thirty-five (35) feet from the water to the uppermost part of the structure.

D. A floating dwelling shall be separated from an adjoining floating dwelling by a distance of fifteen (15) feet. Measurement shall be from the nearest point of the floating dwelling including the mooring area to the nearest point of the adjoining floating dwelling.

(4) All floating dwellings must have positive utility disconnects.

(5) Access

A. Easy access to all floating dwellings must be available on a year round basis. In addition, the dock walkway providing direct access to the floating dwelling must remain unobstructed and be a minimum of thirty-six (36) inches in width.

(h) Regulations for Planned Unit Developments (PUD). It is the intent of this Section to regulate planned unit developments, as defined herein, in such a manner as to preserve the character of the surrounding neighborhood.



(1) Intent and Purpose. The intent and purpose of a Planned Unit Development is to achieve the following:

A. A maximum choice of living environments by allowing a variety of housing, complimentary commercial uses, through the use of various building types and a reduction in lot dimensions, yards, building setbacks, and area requirements, while preserving the overall density objectives set by zoning.

B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of desirable neighborhood commercial uses and services.

C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.

D. A more efficient use of land than is generally achieved through conventional development, which may result in substantial savings through shorter lengths of utilities and streets.

E. A development pattern in harmony with land use density, transportation facilities, connecting open space, and community facilities.

F. A development, that in the opinion of the Planning Commission and City Council is advantageous to the community at large.

(2) Uses Permitted. The following uses are permitted in a Planned Unit Development:

A. Land and buildings in the PUD shall be limited to one (1) or more of the following uses:

1. Detached single-family dwellings.

2. Zero lot line, attached twin single, townhouse, condominium, or other innovative forms of residential development.

3. Commercial uses, permitted in the underlying zoning district. The commercial uses must be complimentary to any residential uses proposed in the planned unit development.

4. Parks, playgrounds and playfields, including outdoor recreational facilities open to the public with or without a fee.

5. Normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the approved PUD.

6. Other residential-oriented uses, which in the opinion of the Planning Commission meet the purpose and intent of the PUD and are adequately designed, located, or otherwise provided for by the development plan and other required documents.

7. If the PUD is located within an Overlay Zoning Districts, the requirements of the Overlay Zoning District shall take precedence.

(3) Development Standards.

A. The gross lot area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

<u>Type of PUD</u>	<u>Minimum Area (Acres)</u>
Residential	5
Commercial	5
Mixed Residential-Commercial	5

B. When the PUD is a mixture of residential and commercial uses, the Planning Commission shall determine that the percentages of the tract devoted to the commercial and residential uses are appropriate.

C. The area of a PUD must be an integral tract. It cannot be a collection of isolated pieces of land, except that roads, streets, or waterway may lie between portions of the tract.

D. The minimum lot width of a planned unit development shall be sixty (60) feet.

E. Any residential lots to be transferred in a planned unit development shall have a minimum width of sixty (60) feet and a minimum lot area of four thousand eight hundred (4,800) square feet, and a minimum lot depth of one hundred ten (110) feet.

(4) Density. The density of a residential development within a PUD shall not exceed seven (7) units per acre.

A. Each phase submitted for approval shall not exceed the density requirements for the acreage included in that phase. If a phase is approved with less than the maximum density allowed for that phase, a subsequent phase of the PUD may be permitted to include the allowed density not incorporated in that previous phase.



B. Aggregating or clustering of dwelling units is permitted, but there shall be no more than ten (10) dwelling units permitted per aggregation or cluster.

C. For purposes of calculating the maximum density, the acreage of the tract of land included as part of the PUD shall be multiplied by the permitted density number. The acreage may not include land allocated for public right-of-ways and land below 574 feet above sea level in determining density.

(5) Common Open Space.

A. Common open space and recreational facilities may be reserved for the residents and users of the area being developed. The open space and recreational facilities shall be so sited that residents will have easy access to it without trespassing on private areas.

B. Common open space is land within the development, not individually owned or dedicated for a specific use like roads or easements, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include complementary structures and improvements as are necessary and appropriate.

C. At least ten (10%) percent of the gross area included in each phase shall be set aside as common open space. At least one-third (1/3) of the common open space for each phase must be dry land not normally covered or inundated by water.

D. Such common open space land reserved under a PUD shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development.

E. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan and shall be included in deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.

F. Common open space and recreational facilities shall be of a size, shape, topography, and location to be usable and accessible to the residents of the PUD. Wherever possible, common open spaces in a PUD shall be designed to complement open space within an adjoining development.

(6) Building Height.

A. The maximum height for all residential and commercial buildings and structures, excluding accessory buildings, shall meet the requirements of the underlying zoning district, unless approved at a greater height by the Planning Commission during the review process.

(7) Building Yards.

A. All principal buildings shall have a minimum front yard setback of twenty (20) feet, a minimum side yard setback of ten (10) feet, and a minimum rear yard setback of twenty (20) feet. Corner lots shall have the front yard setback on both streets.

B. Units with a common wall or that are contiguous because of an authorized zero setback are considered one (1) building. There shall be a minimum twenty (20) foot separation between buildings of this type.

C. In areas where aggregation or clustering is proposed, the Planning Commission shall have the flexibility to reduce these setbacks when appropriate.

(8) Dwelling Size and Accessory Building Standards.

A. The dwelling size in a PUD in the "CB" and "WB" Districts shall be approved by the Planning Commission. The dwelling size in the "R-4" District shall comply with Chapter [1143.07](#) of these regulations. All floor-space measurements exclude open or enclosed porches, patios, breeze-ways and garages.

B. Accessory buildings for each dwelling unit or commercial use shall have a total area no greater than six hundred (600) square feet and a maximum height no greater than fifteen (15) feet. An accessory building must be located within two hundred (200) feet of the dwelling unit or commercial use it serves.

(9) Off-Street Parking Requirements.

A. The parking and off street loading requirements of Chapter [1145](#) shall be met. In cases where specific standards are not established for proposed uses within the PUD, the Planning Commission shall establish the parking requirements that will apply.

(10) Commercial Uses.

A. When the PUD includes commercial uses, commercial buildings and establishments should be planned as groupings, whenever possible, having common parking areas and common ingress and egress



points in order to reduce the number of potential accident locations at intersections with thoroughfares.

B. Only commercial uses that are listed as permitted uses in the underlying zoning district will be permitted. Other similar uses not specifically listed may be substituted with permission of the Planning Commission.

C. The PUD shall provide, where commercial areas abut residential areas, a landscape plan that, in the opinion of the Planning Commission, provides a sufficient buffer where necessary.

(11) Traffic Circulation.

A. The PUD shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

(12) Signs.

A. The requirements of Chapter 1147 shall apply for all residential and commercial uses.

B. All permanent signs to be erected within the PUD must be provided for and approved by the Planning Commission as a part of the PUD.

(13) Fences.

A. The PUD shall be subject to the requirements of 1309 of the Codified Ordinances of the City of Port Clinton.

(14) Approval of a Planned Unit Development.

A. An application for a PUD phase shall be submitted to the zoning inspector. The application shall be executed by or on behalf of all of the owners of all the land to be included in the PUD. A filing fee, as determined by City Council, shall be submitted with the application.

B. The application for approval of a PUD phase shall include twelve (12) copies of a development plan, drawn at a scale of 1" = 100' and shall include the following information:

1. The location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed should be identified. A legal description of the area involved in the PUD phase is required.

2. The density of land use to be developed, the type of dwelling unit, the proposed commercial uses, and the location of the required open space shall be presented in tabular form and also clearly shown on the plans.

3. The location, function, ownership, and manner of maintenance of common open space areas shall be shown.

4. The use, general outline, location, and maximum height of all buildings and other structures shall be identified. The plan shall list and show the exact use, height, floor area, number of each type of dwelling units, and the outline and location of all buildings and structures, including accessory buildings.

5. The land to be dedicated to each dwelling building or commercial use, and the areas of common open space shall be listed and displayed, and the exact areas of common open space used to justify the density proposed.

6. Conceptual plans for drainage, landscaping, preservation of vistas, and natural features shall be included.

7. Conceptual plans for the disposal of sanitary wastewater and storm water and for the supply of all other utilities, including water, electricity, and natural gas shall be submitted.

8. The proposed schedule of site development, construction of structures, and associated facilities including sketches showing the design principles and concepts to be followed shall be identified.

9. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property shall be shown. Proposed intersection improvements shall be shown. The Planning Commission may dictate such improvements as part of their review.

10. The location and size of walkways, plazas, public areas, fences and signs, and of landscaping and planting shall be identified.

11. The substance of covenants, deed restrictions, grants, or easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities, and for maintenance of common open space, common facilities, private streets, drives and other infrastructure of the PUD shall be filed with the application.



12. A plan for landscaping or other maintenance of all areas not immediately developed must be identified.

13. Other information, as may be required by the Planning Commission in order to determine compliance with the Ordinance will be provided.

14. An overall plan of the entire PUD delineating each phase so that the City can understand the interrelationships between the various phases.

C. Upon initial review, any additional information, as may be required by the Planning Commission in order to determine compliance with all of the requirements of the City's Ordinance, shall be provided.

D. The Planning Commission shall review and hold public hearings on the application. It shall base its review of the PUD on the following considerations:

1. The proposed development will be initiated within two (2) years from the date of approval.

2. Each individual phase of the development, as well as the total development, can exist as a independent phase capable of creating an environment of sustained desirability and stability, and that adequate assurance is provided that such objective will be attained.

3. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect.

4. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as not to overload the street network outside the PUD. Required improvements shall be made prior to any construction occurring.

5. Any appropriate commercial development at the locations proposed.

6. Any exception from standard district requirements is warranted by design and other amenities to be incorporated in the PUD and is in accord with the adopted policy of the Planning Commission and City Council.

7. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

8. The existing and proposed utility services are adequate for the population density and the nonresidential uses proposed.

9. That the benefits, improved arrangements, and the design of the proposed PUD justify the deviation from standard residential development requirements included in the Ordinance.

10. The Planning Commission may require such changes or modifications in the PUD, as are needed to achieve conformity to the standards as herein specified.

E. Upon the finding by the Planning Commission that all of the standards as herein specified have been met, it may approve of the PUD. It shall also, where it deems appropriate and necessary, recommend those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.

F. The PUD approved as a result of the application is to be a binding plan, not subject to change by the owner or developer after its approval and acceptance, except for minor deviation permitted herein.

G. Unless a deviation from a regulation in the Zoning Ordinance, otherwise applicable to the property, is shown in the approved PUD, such regulation shall not be assumed to be waived.

(15) Other Approvals.

A. For such parts of the PUD that are proposed to be subdivisions, the Port Clinton Subdivision Regulations must also be met.

B. The approval of the PUD by the Planning Commission does not imply approval by any other agency with jurisdiction over the development of the property. Approvals by other agencies must be obtained before proceeding with the PUD.

(16) Expansion.

A. If properly zoned, an existing PUD may be expanded onto a contiguous or adjoining parcel of land. The plan for the expansion will be required to follow the procedures prescribed for a new PUD.

B. In cases where previous phases of the PUD did not use all of the permitted density that was allowed, that surplus density may be used on the adjoining property with the approval of the Planning Commission.

(17) Minor Deviations.

A. Minor changes in the location or siting of buildings, structures, streets, or parking areas, or in the areas of open space after approval of a PUD shall not be made without approval by the Planning



Commission.

B. The Planning Commission may hear and may approve by majority vote such change at any public meeting if such change is made necessary by engineering or other circumstances not foreseen at the time the PUD was approved. No change approved by the Planning Commission or cumulative change resulting from a series of changes may cause a change in the use or character of the development or any of the following:

1. An increase in the density of dwelling units by more than two percent (2%).
2. A reduction in common open space or in visual open space.
3. An increase in problems of vehicular or pedestrian traffic circulation or safety, or of utilities.
4. A reduction of off-street parking or loading space.
5. A reduction in approved pavement widths.
6. A reduction of more than five percent (5%) in structural setback from the PUD's boundary.

All other changes or cumulative changes not meeting the above standards shall be subject to the review process of Chapter [1139](#) of the Codified Ordinances.

(18) Default.

A. If no significant construction has begun within two (2) years after approval of a PUD, it shall be void, unless an extension of the time limit of the approved PUD is approved by the Planning Commission, after submission of a written request, identifying the basis for the time extension, and a finding by the Planning Commission that such extension is not in conflict with the public interest.

B. If construction is started but amenities, roads and drives, sewer, water, drainage, utilities, and landscaping are not done in accordance with the approved PUD, the Planning Commission may require of the owner that it be done forthwith or the special use approval may be revoked.

(Ord. 35-12. Passed 12-11-12.)