

EXHIBIT "A"

CHAPTER 1271

WILLEY CREEK MIXED-USE OVERLAY DISTRICT

1271.01	Purpose and Intent	1271.05	Development Standards
1271.02	Definitions	1271.06	Maintenance of Common
1271.03	Subareas		Areas
1271.04	Permitted Uses	1271.07	Development Plans

1271.01 PURPOSE AND INTENT.

(a) Purpose.

The Willey Creek Mixed-Use Overlay District is established for the purpose of enabling the development of a phased, walkable, mixed-use district in and around the Lander Circle corridor. The mixed-use and planned development regulatory approach of the District is intended to provide a more flexible and innovative approach regarding use, density, access and connectivity, streetscape and landscape design, parking facilities, architectural and façade design, residential dwelling units, and dimensional standards than can be provided by traditional zoning techniques in order to establish a new walkable district, preserve and foster vibrant communal space and environmental protection areas while attracting a diverse range of retail, office, and commercial uses to support the community and a blend of new residential areas that vary in density and housing options.

(b) Intent.

The suspension of the underlying zoning District provisions within a Willey Creek Mixed-Use Overlay District is intended to:

1. Create a mixed-use overlay district to accommodate a combination residential, retail, commercial, and office uses of varied densities to attract young professionals, empty nesters, and families to the area.
2. Describe standards so that any new development is cohesive, contains thriving and inviting public spaces, and encourages walkability and sustainability.
3. Regulate building orientation and placement to achieve appropriate scale and ensure proper transitioning between areas of differing use and density and/or to be mindful of the surrounding adjacent land uses.
4. Encourage enhanced pedestrian, bicycle, and vehicular connectivity throughout the area.
5. Permit development consistent with the standards and requirements of the Overlay District pursuant to an approved Master Development Plan.

1271.02 DEFINITIONS.

For the purposes of this Chapter, the following terms shall have the meaning herein indicated.

- (a) **Entertainment Use** - Establishments not exceeding 8,000 square feet in total area that sell commodities consumed, utilized, and experienced on the premises for recreation or leisure, including but not limited to theaters, live entertainment venues, sports and recreation facilities, and technology based activities, provided however, that performing arts spaces may exceed 8,000 square feet where approved by the Planning Commission.
- (b) **Maximum Density** - The maximum number of dwelling units shall be calculated by multiplying the total project area by the maximum density permitted.
- (c) **Mixed-Use** - Multiple functions within the same building (either horizontally or vertically), or in another building by adjacency. This includes, but is not limited to, single or multi-story commercial, office, and single-family residential uses over or adjacent to residential, retail, and/or office uses on the ground floor. Notwithstanding the foregoing, nothing contained in this provision is intended to allow for the construction of a “multifamily” building whereby multiple living units are contained within horizontally integrated floors attached by common areas, hallways, breezeways or the like.
- (d) **Parking Structure** - A building that contains one or more levels of parking above and/or below grade.
- (e) **Pocket Park** - A small compact park space that is accessible to the general public which is usually inserted between buildings and built space along a streetscape to provide a concentrated space for landscape and outdoor seating.
- (f) **Required Open Space** - Percentage of area for natural green space and public amenities minus the areas devoted to buildings and paved surfaces for roads, driveways and parking areas. Any remaining areas of a proposed development will be:
 - 1. Landscaped with grass, trees, shrubbery and for other appropriate ground cover or landscaping material in accordance with the landscaping plan in an approved development plan,
 - 2. Improved with hardscape and landscape improvements in accordance with the approved development plan, or
 - 3. Be maintained in its natural condition with existing trees and vegetation except for streets, bridges, pedestrian walkways and utility crossings.

1271.03 SUBAREAS.

The Willey Creek Mixed-Use Overlay District shall be divided into three (3) Subareas for the purpose of regulation.

- (a) **Subarea A.**

This subarea shall include all land within the Overlay District that are located north of the Willey Creek Riparian Corridor. Subarea A permits mixed-use vertically integrated buildings with ground floor commercial, office, and retail uses, single use non-residential buildings, and townhomes. Townhomes within Subarea A shall have no more than four units attached in any one building and may serve as a transition to neighboring recreational and open space land uses. Buildings may be interspersed with landscaping and public open space to serve as the street wall and buffer to the shared parking. Parking areas will primarily be contained behind buildings to ensure a pedestrian-friendly environment, but parking areas may have some frontage along a street. At least one public park or plaza shall be provided to serve as a focal point for this Subarea and to serve as a transition between the commercial buildings and Willey Creek.

(b) Subarea B.

This subarea shall include all land within the Overlay District located south of the Willey Creek Riparian Corridor. Subarea B permits a variety of attached and detached single family and townhome residential units.

(c) Willey Creek Riparian Corridor

The Willey Creek Riparian Corridor shall be preserved as an open space and natural area consistent with the provisions of Chapter 1540.

1271.04 PERMITTED USES.

Buildings and land in the Willey Creek Mixed-Use Overlay District shall be designed, created, used, altered, and intended only as part of a unified and cohesive development plan.

(a) Subarea A.

Buildings and land within Subarea A of the Willey Creek Mixed-Use Overlay District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated herein and further provided that no individual retail store or establishment shall exceed a maximum of 12,000 square feet of total floor area. All permitted retail uses hereafter described shall not exceed, in total, forty-thousand square feet.

(I) Retail Uses

- i. Bakeries without drive-thru facilities
- ii. Coffee Shops without drive-thru facilities but which may include dedicated curbside pickup spaces and accessory outdoor dining areas
- iii. Restaurants without drive-thru facilities but which may include dedicated curbside pickup spaces and accessory outdoor dining areas

- iv. Delis, sandwich shops, and other fast-casual dining without drive-thru facilities but which may include dedicated curbside pickup spaces and accessory outdoor dining areas.
- v. Other Retail Stores wholly within enclosed buildings and devoted to serving neighborhood needs.
- vi. Other festival kiosks or 'food truck' sales vehicles during community events such as concerts or other civic activity, when appropriately permitted.

(II) **Office, Service and Institutional Uses**

- i. Entertainment Uses
- ii. Banks and Other Financial Institutions
- iii. Health and Fitness Facilities
- iv. Art Galleries and Performing Arts
- v. Personal Service Establishments
- vi. Religious, Educational, and Other Institutional Facilities
- vii. Professional, Administrative, Sales, Governmental and Research Offices
- viii. Medical Facilities including Clinics, Urgent Care Facilities, Micro-Hospitals, and Similar Health Care Facilities
- ix. Outdoor Plazas, Parks, and Public Gathering Places

(III) **Residential Uses, Other Uses and Accessory Uses**

- i. Single Family Attached Dwellings.
- ii. Single Family Detached Dwellings.
- iii. Townhomes.
- iv. Other uses determined by the Planning Commission to be similar, harmonious, and compatible with the uses listed herein.
- v. Accessory buildings and uses customarily incidental to the above principal permitted uses including:
 - a. Off-Street Parking Lots
 - b. Parking Garages
 - c. Parking Structures
 - d. Signs.

(IV) **Subarea B.**

Buildings and land within Subarea B of the Willey Creek Mixed-Use Overlay District shall be used and buildings shall be designed, created, altered or intended only for the uses specifically designated herein.

- 1. Single Family Detached Dwellings.
- 2. Single Family Attached Dwellings.
- 3. Townhomes.
- 4. Outdoor Plazas, Parks, and Public Gathering Places.
- 5. Accessory buildings and uses customarily incidental to the above principal permitted uses including:
 - a. Off-Street Parking Lots
 - b. Parking Garages

- c. Parking Structures
- d. A Community Building of no more than 6500 square feet
- e. Signs.

(V) **Willey Creek Riparian Corridor**

Uses within the Willey Creek Riparian Corridor shall conform to the provisions of Chapter 1540.

1271.05 DEVELOPMENT STANDARDS.

The following standards and requirements shall apply in the Willey Creek Mixed-Use Overlay District:

(a) Maximum Density.

The density of dwelling units shall be as set forth on the approved Master Development Plan and may vary throughout the district provided, however, that the maximum number of dwelling units shall not exceed four (4) dwelling units per gross acre exclusive of any required riparian setback areas for any portion of the Willey Creek Mixed-Use Overlay District developed with a Master Development Plan under single ownership and control. Where individual building lots are proposed, the minimum lot area and minimum lot width shall be as determined by the Planning Commission and shown on the approved Final Development Plan. At least fifty percent (50%) of all dwellings shall be single family detached dwellings.

(b) Minimum Open Space.

A minimum of thirty percent (30%) of the gross acreage of the Overlay District shall be devoted to open spaces, which shall include the riparian area of Willey Creek and surrounding trees and vegetation in such riparian area. The open space may include permanently landscaped open spaces and pedestrian plaza areas accessible to the public and natural green space preserved in the District. Public open space shall be distributed throughout the District and may consist of plazas, parks, pocket parks, and visual landscape relief to the surrounding built environment for the enjoyment of residents and visitors to the District. The design shall be supportive of opportunities for community interaction, festivals, and gatherings.

1. A minimum of ten percent (10%) of Subarea A shall be devoted to open space.
2. A minimum of fifteen percent (15%) of Subarea B shall be devoted to open space.

(c) Maximum Building Height.

1. Buildings shall not exceed three and one-half (3 ½) stories or forty (40) feet in height.

2. Chimneys, railings, antennae, mechanical facilities and other appurtenances may exceed the specified heights by not more than fifteen (15) feet. Architectural embellishments consisting of spires, tower, domes, minarets, and pinnacles may exceed the specified heights by not more than twenty (20) feet.
3. Single Family Detached dwellings shall not exceed three (3) stories or thirty-five (35) feet in height.
4. Single Family Attached and Townhome dwelling units shall not exceed three and one-half (3 ½) stories or forty (40) feet in height.
5. Commercial Buildings shall not exceed three (3) stories or forty (40) feet in height.

(d) Building Design and Orientation.

1. Commercial, retail, and office buildings shall be oriented on the property to emphasize a street wall and provide enhanced pedestrian access and circulation to the site. The building façade shall occupy a minimum of 50% of the total frontage length between the minimum and maximum setbacks. Buildings shall be oriented so that at least one main entrance faces the public street. In the case of a corner lot that is located on a public street, the principal entrance shall face a public street. No building shall have a façade fronting on a public street in excess of 200 feet in width, unless pedestrian entranceways or façade differentiation in identities are provided at least every 200 feet of frontage.
2. Freestanding townhouses, or condominiums should be oriented to public or private street frontage, green space or courtyards.
3. Buildings shall utilize a combination of facade differentiation, including architectural features such as display windows, balconies, arcades, and awnings at the base of the building. Windows will primarily use transparent glass on the first floor of a commercial building. Mechanical equipment on the roof of a building shall be screened from view from public right-of ways at the primary facade. All trash, service areas, and loading bays shall be screened. Building materials may consist of primarily (or a combination of) brick, stone, stucco (smooth or sand finish), EIFS, glass, a pre-cast masonry, cast stone, pre-cast concrete, metal, split-faced block, wood siding or paneling, or fiber cement board panels and siding.

(e) Pedestrian and Vehicular Access.

1. The development pattern for the District will make appropriate connections with the existing streets adjacent to the District. Streets and sidewalks will be connected into the District in an attractive manner to reinforce its integration into the community fabric. Access points shall be properly managed to address safe and efficient traffic flow.
2. A pedestrian crosswalk or sidewalk of a minimum of five (5) feet wide shall be provided in parking lots that contain twenty-five (25) or more parking spaces that provides a direct connection from the street side sidewalk to

the entrance of the building. The crosswalk or path shall be clearly delineated with striping or use of other non-slip materials that contrast with parking lot's primary material. Appropriate yield signs shall be erected to indicate where pedestrians are crossing vehicular aisles in the parking lot.

3. Sidewalks shall be at least six (6) feet wide in Subareas A and four (4) feet wide in Subareas B and shall provide pedestrian access between all buildings and uses within the District and adjacent public open spaces. Sidewalks shall connect and align with existing sidewalk network connections along the adjacent primary roads to the District.

(f) Building Setbacks and Separations.

Building setbacks and separations shall be established on the approved Master Development Plan. In establishing said separations the Planning Commission shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no instance shall the established setbacks and/or separations be less than the following for each Subarea:

1. Subarea A

- a. The minimum building setback from Chagrin Boulevard shall be twenty-five (25) feet.
- b. Buildings may be located on the right-of-way line of internal public streets and the easement line of internal private streets and drives.
- c. The minimum side yard separation between buildings shall be zero (0) feet.
- d. The minimum building setback from Lander Road shall be fifty (50) feet.

2. Subarea B

- a. The minimum building setback from Lander Road shall be fifty (50) feet.
- b. The minimum building setback from internal streets shall be ten (10) feet.
- c. Side minimum building setback from other buildings shall be ten (10) feet.
- d. The minimum building setback from internal residential lot lines shall be ten (10) feet.

(g) Minimum Dwelling Unit Sizes.

1. All single family detached and attached dwellings shall comply with the required minimum livable area provisions of Section 1270.09. All townhomes shall comply with the required minimum livable area provisions of Section 1267.06.

(h) Parking Requirements.

1. In Subarea A all parking shall be in rear or side yards and no parking shall be permitted in the front with the exception of on-street parking in designated areas.
2. Parking lots shall be setback a minimum of ten (10) feet from street rights-of-way and property lines. Surface parking lots greater than 30 parking spaces should have additional landscaping and/or screening to compensate and visually reduce the mass of the parking area. Curb-cut widths leading to off-street parking spaces shall be minimized to encourage pedestrian cross movement and safety.
3. In Subarea B, all dwelling units shall have attached garages with side, courtyard or rear entry garage doors. Garage doors shall not directly face the public way unless placed in a location behind the mass of the home. On-street parking may be permitted in designated areas within areas designated for dwelling units.
4. A parking plan will be submitted addressing adequate parking needs for each proposed development phase and how it fits with existing and planned parking within the District. Shared parking between the various subareas and uses is permitted.
5. Parking shall be provided based upon the following schedule, provided however, that the Planning Commission may authorize adjustments based upon the parking plan and acceptable shared parking arrangements:
 - a. All Dwellings – 2 Enclosed Spaces per dwelling unit.
 - b. Retail Stores – 1 space per 250 square feet of gross leasable floor area.
 - c. Personal Services – 1 space per 250 square feet of gross leasable floor area.
 - d. Banks and Financial Institutions – 1 space per 250 square feet of gross leasable floor area.
 - e. Offices – 1 space per 300 square feet of gross leasable floor area.
 - f. Medical Facilities – 1 space per 200 square feet of gross leasable floor area.
 - g. Bakeries – 1 space per 250 square feet of gross leasable floor area.
 - h. Restaurants– 1 space for each 2 indoor seats at maximum permitted capacity plus 1 space for each 4 permitted outdoor seats.
 - i. Other uses – as determined and established by the Planning Commission.

(i) Landscaping.

Areas between commercial buildings shall include a pedestrian plaza, pathway, or landscaping. Parking lots shall be buffered from all public street frontages with building, wall, fence, landscaping, or mound. Plant material of low shrubs,

bushes, and flowers shall be placed intermittently against building foundation walls and/or fences to enhance the pedestrian experience.

(j) Storm Drainage.

The Willey Creek Mixed-Use Overlay District shall include provisions for a storm drainage system designed and constructed by the developer in accordance with the requirements of the City Engineer.

(k) Utilities.

Underground utilities, including data and communication and electrical systems are required within the limits of the District except that appurtenances to these systems may be located above ground as needed so long as such items are effectively screened.

(l) Signs.

A Master Sign Program shall be prepared for the Willey Creek Mixed-Use Overlay District, which shall set forth the design intent for all signage to be installed within the Overlay District. Once approved by the Planning Commission, all signage within the district shall be reviewed and approved by the Architectural Board of Review for compliance with the approved Master Sign Program.

(m) Illumination.

Parking lots and pedestrian ways shall be illuminated to provide for public safety. Sources of light for illumination of buildings and grounds shall be shielded with full cut-off fixtures and light spillage at the property boundaries of the Overlay District shall not be greater than 0.1 foot candles. All lighting shall be installed and maintained in conformance with a site lighting plan approved by the Planning Commission.

1271.06 MAINTENANCE OF COMMON AREAS.

As part of the development of the Willey Creek Mixed-Use Overlay District, one or more property owners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas. Each association's agreement, bylaws or code of regulations comply with the following minimum requirements:

- (a) Membership in the Association shall be mandatory for all property owners in the development or applicable subarea.
- (b) Each Association shall be responsible for maintenance, control, and insurance of common areas.
- (c) Each Association shall have the power to impose assessments on members for the maintenance, control and insurance of common areas, and have the power to place liens against individual properties for failure to pay assessments.
- (d) The Association shall convey to the City and other appropriate governmental bodies the right to enter any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public

health, safety and welfare and the right, after proper notice, to make improvements and perform maintenance functions and to proceed against the Association for reimbursements of said costs, including the right to file liens against individual units, buildings, and vacant building lots.

1271.07 DEVELOPMENT PLANS.

(a) Establishment of Overlay Developments.

In order for a property owner to develop property within the Willey Creek Mixed-Use Overlay District pursuant to Chapter 1271 in lieu of the provisions of the underlying zoning district, such owner must submit a Master Development Plan for the entire tract of land to be developed for review and approval by the Planning Commission and City Council in accordance with the provisions set forth herein. Properties shall only be developed under the provisions of the Willey Creek Mixed-Use Overlay District in conformance with an approved Master Development Plan. Until such time as a property owner applies for and receives approval for a Master Development Plan as provided herein, the provisions of the underlying zoning district shall apply.

(b) Master Development Plans.

Master Development Plan submissions shall include the following:

1. Topography at five-foot intervals;
2. Location, type, and general arrangement of residential uses, indicating the acreage and proposed density for each area;
3. Location, type, and general arrangement of nonresidential uses, indicating the acreage for each area and proposed square footage for each building;
4. Areas to be set aside to meet the common open space requirement; including the natural Willey Creek corridor;
5. Vehicular and pedestrian circulation systems;
6. Any areas of special landscaping or buffering treatment; and
7. Proposed phasing of the development including the establishment and improvement of the required common open space.

(c) Master Development Plan Approval.

Each Master Development Plan shall be first submitted to the Planning Commission, which shall review said Master Development Plan for conformance with the specific provisions and with the spirit and intent of this Chapter. The Planning Commission shall make a recommendation to City Council regarding the proposed Master Development Plan. Upon receipt of the recommendation from the Planning Commission, City Council may approve, reject, or approve the Master Development Plan with modifications. Subsequently submitted preliminary and final development plans shall be in substantial conformance with the approved Master Development Plan.

(d) Submission of Preliminary Development Plans.

Preliminary Development Plans shall be submitted to the Building Department along with payment of required fees and/or deposits. Preliminary Development Plans shall be prepared by a qualified professional and drawn to an appropriate scale, and shall disclose all uses proposed for the development, their location, extent and characteristics. The number of copies of plans to be submitted shall conform to established City policies and procedures for applications. Preliminary Development Plans shall include:

1. An accurate legal description prepared by or certified by a registered surveyor of the State;
2. A property location map showing existing property lines, easements, utilities and street rights-of-way;
3. A preliminary development plan indicating:
 - a. The use, location, and height of existing and proposed buildings and structures, including accessory buildings, structures, and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;
 - b. The location and configuration of off-street parking and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
 - c. Adjacent streets and parcels, including lot lines, buildings, parking areas, and drives;
 - d. Proposed and existing fences, walls, signs, and lighting; and
 - e. The dimensions of all buildings, setbacks, parking lots, drives, and walkways;
4. Topographic maps showing existing and proposed grading contours, major vegetation features, and wooded areas;
5. Preliminary architectural concepts for buildings, signs, and other structures;
6. A summary table showing the total acres of the proposed development; the number of acres devoted to each type of residential and/or nonresidential use including streets and open space; and the number of dwelling units by type; and
7. Such other documentation deemed necessary by the Planning Commission.

(e) Simultaneous Plat Approval.

If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with Title Four of the Pepper Pike Codified Ordinances. Preliminary development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission.

(f) Distribution of Plans.

After the Building Department has determined that the application a complete application has been filed, the Department shall distribute copies of the application to the members of the Planning Commission, appropriate Department Heads, and professional consultants for reviews and comments.

(g) Review Criteria.

When reviewing Preliminary Development Plans, the Planning Commission shall consider the following:

1. The location of buildings, parking areas, and other features with respect to the topography of the lot and existing natural features such as streams and large trees;
2. The efficiency, adequacy, and safety of the proposed layout of internal streets and driveways;
3. The location of the green areas, including common open space;
4. The location of signs;
5. The adequacy of location, landscaping, and screening of the parking lots;
6. The provisions for storm water management, erosion and sedimentation control, grading, and preservation of the site's natural features;
7. Compliance with the Master Development Plan; and
8. Such other matters as the Commission may find to have a material bearing upon the stated standards and objectives of the various district regulations.

(h) Planning Commission Review And Determination.

In order to approve a preliminary development plan, the Planning Commission shall determine that:

1. The preliminary development plan is consistent with the approved Master Development Plan for the development. If in the judgment of the Planning Commission, any phase differs significantly from the approved Master Development Plan or results in a significant alteration of the Master Development Plan, the Planning Commission shall first consider whether to recommend to City Council revision of the Master Development Plan.
2. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
3. The design of the parking areas minimizes dangerous traffic movements, achieves safe and efficient traffic flow for both vehicles and pedestrians, and provides an appropriate number of off-street parking spaces, and provides the appropriate number of driveways at appropriate locations.
4. The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas.
5. The Landscaping Plan shall adequately enhance the principal building and the site, maintain existing trees to the extent possible, buffer adjacent incompatible uses, break up large expanses of pavement with natural material, and provide appropriate plant materials considering the ultimate

mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical winter conditions.

6. The plan, to the extent practicable, will preserve and be sensitive to the natural characteristics of the site and is in compliance with the applicable regulations set forth in this Code.
7. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
8. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, watercourses, and drainage areas, and shall comply with the applicable regulations in this Zoning Code and any other design criteria established by the City.
9. If the project is to be carried out in progressive stages, each stage is so planned that the foregoing conditions will be complied with at the completion of each stage.

(i) Action by Planning Commission.

The Planning Commission shall either:

1. Approve the Preliminary Development Plan as submitted;
2. Approve the Preliminary Development Plan subject to specific conditions not included in the plan as submitted; or
3. Deny the Preliminary Development Plan. If the Commission finds that a proposed plan does not meet the purposes of these regulations, it shall deny the plan and shall submit its findings in writing, together with the reasons therefor, to the applicant, upon the applicant's request.
4. Failure of the Planning Commission to act within sixty (60) days from the date the application was filed, or within an extended period agreed upon with the applicant, shall be deemed a denial of the Preliminary Development Plan. With the concurrence of the applicant, the Planning Commission may take such additional time as may be necessary to further study the Preliminary Development Plan and consider modifications thereto.
5. Approval of the preliminary development plan shall be an approval of the design features of the plan only, and the City Engineer, the City Planner, or any other official having jurisdiction, may modify the engineering or construction details as may be necessary for the protection of the public health, safety, and welfare. Preliminary approval of any development plan shall be valid for one calendar year from the date of such approval, unless the Commission extends such time limit. The approval of the preliminary development plan, and any special conditions attached thereto, shall be documented in the minutes of the Planning Commission.

(j) Submission of Final Development Plan.

After approval by the Planning Commission of a Preliminary Development Plan, the applicant may proceed with submission of a Final Development Plan in

accordance with the following requirements:

1. The Final Development Plan including architectural sketches shall conform, in all respects, to the approved or provisionally approved preliminary development plan, provided, however, that the Commission may authorize minor changes in the plan.
2. The Final Development Plan may include all or any reasonable part of the approved Preliminary Development Plan, provided that no details of the final plan shall necessitate any revision of the preliminary plan. If a major revision of any portion of the Preliminary Development Plan is required, a revised preliminary plan shall be required prior to approval of the Final Development Plan.
3. The Final Development Plan shall be filed with the Building Department where the plan may be formally accepted for review, provided that such plan and all accompanying documents comply, in all respects, with the following criteria:
 - a. Standards for the construction of streets, sidewalks, parking areas, utilities, and storm drainage are established in the Subdivision Regulations, except as may be modified in this Zoning Code or by Planning Commission. The Commission shall not approve a Final Development Plan until the City Engineer has approved construction drawings, showing all required details.
 - b. Each Final Development Plan shall include all items identified. These requirements shall establish the scale and medium of drawings; the topography; the location of existing buildings and parking areas; the extent and scope of wooded areas; the exact location of new buildings, parking areas, recreation areas, and sidewalks; existing and proposed utility easements; and grading and landscape plans, and final architectural sketches.
4. Upon receipt of a complete application, the Final Development Plan shall place it on the agenda of the next regular Planning Commission meeting that is more than ten (10) days from receipt of the complete application by the Building Department. As appropriate, the application shall be submitted to the necessary administrative departments and City consultants.
5. The Commission shall review the Final Development Plan, and all pertinent comments thereon, to determine whether or not such plan:
 - a. Meets the requirements and criteria of this Planning and Zoning Code and any other applicable City ordinance;
 - b. Represents a detailed and precise expansion of the Preliminary Development Plan, as previously approved; and
 - c. Complies with all conditions, which may have been imposed at the time of the approval of the Preliminary Development Plan.

(k) Action by Planning Commission.

If it is found that the Final Development Plan complies in all respects to this

Section, the Commission shall approve such Final Development Plan. The approval of the Final Development Plan shall be documented in minutes of the Commission.

(l) Performance and Maintenance Bonds.

The developer shall post a performance and maintenance bond(s) for the site development portion of a project. The form of the bond(s) shall be as approved by the Law Director. The amount and terms of such bond(s) shall be as specified by the City Engineer.

(m) Combined Preliminary and Final Development Plans.

An applicant may request a waiver of the Preliminary Development Plan. If, in the opinion of the Planning Commission, such a waiver would not affect the efficient processing of such plan, it may approve such request. The single final development plan, however, is subject to all requirements and review procedures set forth for both preliminary and final development plans.

(n) Significance of an Approved Final Development Plan.

An approved Final Development Plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. All construction and development under any building permit shall be in accordance with the approved plan.

(o) Final Development Plan Revisions.

Any material changes in an approved Final Development Plan shall be resubmitted for approval in accordance with this section. An approved final development plan shall remain valid for a period of twenty-four (24) months following the date of its approval or for such longer period so specified by the Planning Commission. If at the end of that time construction has not begun, then such plan shall be considered as having lapsed and shall be of no effect unless resubmitted and reapproved by the Planning Commission. Construction is deemed to have begun when all necessary excavation and underground utility installation included in the plan shall have been commenced.

(p) Modifications.

(1) The applicant for a Master Development Plan or Preliminary Development Plan shall submit, in writing, all proposed modifications from the applicable zoning requirements. Modifications may be approved by motion of Council after Planning Commission recommendation.

(2) Modifications to the zoning regulations applicable to a Master Development Plan may be permitted if they will result in a higher quality and more sustainable development over what could have been accomplished through strict application

of the otherwise applicable zoning regulations set forth in this Section 1271, consistent with the purposes of the District as expressed in Section 1271.01, and including, but not limited to, improvements in open space size and/or access to open space, environmental protection, tree/vegetation preservation, efficient provision of streets, roads and other utilities and services, or choice of living and housing environments. Modifications shall not result in an increase in the number of dwellings units otherwise permitted by this Chapter.