CITY OF FAIRBORN
COUNCIL WORK SESSION
June 1, 2026, at 5:00 p.m.
Fire Training Room

COUNCIL MEMBERS	Present	Absent
Dan Kirkpatrick, Mayor	☒	☐
Clint Allen, Councilman	☒	☐
Sylvia Chess, Councilwoman	☒	☐
Brian Dodd, Councilman	☒	☐
Rodney McCubbins, Deputy Mayor	☒	☐
Mary Reaster, Councilwoman	☒	☐
Tana Stanton, Councilwoman	☒	☐

STAFF MEMBERS PRESENT

Gebhart, McClure, McNamee, Regelski, Riggs, Schell, and Taylor.

Mike Gebhart, City Manager, stated there would be two topics for the work session. The EMT Basic that will be on Council's agenda tonight for a second reading and public hearing. This is being revisited from June of 2025. The second item will be on the discussion on the review when voting for zoning amendments. Cindy McNamee will do that. If we have a couple of minutes, he will give an update on the Finance Director search and an update on the Strategic Plan RFP.

REVIEW OF FIREFIGHTER/EMT ADDITION TO PAYGRADE ALLOCAITON LIST

Ryan Wlliams, Fire Chief, explained over the last 10 days they had 3 water rescue calls, 8 structure fire calls, and of those 8 calls 2 have been significant working fires, and 7 car crashes in 10 days. That is in addition to the normal 20 calls or so they do in a day and the inspections and training. The Police Department is with them on all of those calls as well. It has been a busy time. Today was the Fire Department's presentation at the Safety City event. They have 90 kids participating this year in the Safety City program. It was great to engage with the kids today. They are doing a Fairborn FISH event for car seat handouts and installations tomorrow. The next day they are doing a program for emergency preparedness with a local business. The next Wednesday, Thursday and Friday they are doing ladder truck training with the Ohio Fire Academy. Then on Wednesday at the Senior Center, they are doing a Safety Net presentation.

Right now, the Fire Department has 9 vacancies which is not that unheard of, but when they count the additional staffing that was approved in 2020, there have been times when they have not counted the additional staff, so they say they are only down 2 or 3. They have wanted to hire for those positions for years. There are departments around us that have EMT Basics. It is time that Fairborn stop being 100% paramedic certified and maybe looking at expanding out to fill those seats.

Chief Williams continued by reviewing the attached power point labeled Exhibit "A" highlighting the following topics: **Operational Considerations**, **Compensation Comparables, Station Staffing Standard, Next Seps** and **Other Exciting News.**

The department will maintain its ALS standards, which are every ambulance, fire truck, and engine, every Nutter Center event, every ATV assignment downtown, whatever it may be there will be a paramedic at all times so we can continue to consider ourselves Advanced Life Support providers on everything they do. EMTs would have to obtain paramedics in a set amount of time.

The department currently staffs at 16 daily and they are permitted three people off typically, but they can go to 4 people depending on the other staffing needs that we have. For instance, if someone is off for maternity leave or light duty that changes. They are going to be going to 18 through a policy change 18 would be their daily staffing in accordance with the original plan that was rolled out with the levy in 2019-2020. This will put extra people on fire trucks.

Mayor Kirkpatrick asked why Station 2 has fewer staffing. Chief Williams explained they took the medic unit out of service at Station 2 because they did not have the numbers to put the medic there without cross staffing the piece. With the build up of that area and the call volume and the unit hour utilization, running the efficiency of a medic unit, it was a low used medic and every time that medic went out the ladder truck went out of service so the ladder truck would just sit there. So, he said let's improve the efficiency of the other 3 medics and make sure we dedicate at least one fire truck to always being in service. What that equated to was that other crews were absorbing less than 3 calls per day for that ambulance, so they took that out of service and keeping 3 people at Station 2 allows for 3 people on the new ladder. Councilman Dodd asked if there was no medic at Station 2. Chief Williams explained there are 3 paramedics at Station 2 but no ambulance. Again, the reason that it works at Station 2 is that Station 4 is right down the road. The other stations are always divided by something. Station 3 has a highway and a railroad that divides and Station 2 and Station 4 besides the School Zone it is right there. They found that when the medic took a call and the ladder truck could go out of service if there was a non-breather that came in at Kroger, Red Oak, or the schools, they were actually delaying the first on-scene crew because there was no one at Station 2. By putting the ambulance out of service, we have actually improved our response times by ensuring the Fire truck with paramedics on it is on the scene quicker and they can stabilize care and then the ambulance comes from another district and picks them up. Stopping the clock is the important part.

Chief Willaims discussed the next steps with the existing 3 recruits which may come on board if this Ordinance passes and they can pass their physicals. Training continues with the new ladder truck daily. It is running all around town. Every person in the department has been through the cone course, and they have all passed it. The Explorer Cadet Program is rolling out. They did a presentation at Fairborn City Schools for that program, and they figured 15-20 kids would come down and they had 75 show. Three days later they have 31 students who have said they want to be a part of that. He is a little terrified, but he is proud of the program, and he will keep it as something he personally manages this year.

Councilwoman Reaster asked if the new truck was in service now. Chief Williams stated it is not. He hopes to have all of Council's hands pushing it in the bay when they go to put it in service. They have a 40-hour training program that every employee is going through for that ladder truck to protect the investment. He hopes they will be having the push in ceremony this summer and then let it start taking calls.

Councilwoman Stanton stated initially when they are EMTs they are getting 16 percent less pay. He had said that Finance said it covers everything except the training, so is that saying that with the people getting 16 percent less on salaries that doesn't balance out the cost of the courses. Chief Williams stated he thinks it does. They will also see a reduction in overtime costs. Janel Regelski, Interim Finance Director, stated also because they had a lot of vacancies there are a lot of vacancies and there are a lot of vacancy savings. We are short 9 people right now, so they are shifting the money to cover those costs. Ultimately, it is not going to incur a lot of extra.

Councilwoman Stanton asked the cost of tuition for one person. Chief Williams responded it is $8,000 and change and books.

Mike Gebhart, City Manager, stated the biggest thing to keep in mind is the department will never not be ALS certified. Anytime the residents get a piece of equipment from the City of Fairborn they will be able to take care of Advanced Life Support. We will see budgetary savings through all of this. When you talk about six figures in overtime and we are reducing that he thinks it will be more than a wash. The key is the residents will never experience a reduction in service which is key.

Councilman Allen discussed the importance of creating a good culture for the employees. Chief Williams explained they share any accolades the employee receives with their supervisor and they put things in their personnel files. They implemented an awards program when he came on as the Chief. They do have a positive culture.

DISCUSSION ON THE REVIEW PROCEDURES FOR ZONING CASES

Cindy McNamee explained they have a situation where council will be reviewing a PUD application for 7 Brew. It was going to be tonight, but they tabled it for the next meeting. It is a little bit unusual because Planning Board, not withstanding staff's approval of it, Planning Board denied it. In denying it they did not go through certain criteria that Planning Board is supposed to go through. There are 15 of them for the Preliminary process and they did not go through those. So, staff thought maybe it would be good to talk to City Council about the PUD process. In the City any development over 5 acres or more must be developed as a PUD. She sent out a memo which is attached hereto as Exhibit B which outlines the 15 criteria on page 6.

At the Planning Board meeting they are supposed to issue findings of fact based on the 15 criteria and submit them to Council for review. That is where Council comes in and there will be a public hearing in two weeks on that issue. Because we don't have findings of fact when City Council reviews it, we want to make sure that you consider all of those findings of fact. What will happen at the meeting is 7 Brew will make the presentation, Kathleen Riggs will make her presentation, and Council will have a staff report to review

prior to the meeting. Staff is still of the opinion that it does comply, and it does meet the criteria, but ultimately that is going to be up to Council to decide once they hear the presentations and compare them to the criteria.

One thing that is a little odd is that they combined the preliminary and the final together if City Council agrees that the preliminary plan should be approved the final plan is still going to have to go back to Planning Board for review because City Council is not the party to decide that. The first phase is a rezoning which is always a legislative act. The second phase is considered more administrative. Mike Gebhart, City Manager, stated ultimately, it is when Kathleen makes her presentation to the Planning Board and during that presentation, she brings up the 15 items there is a checkmark of whether it meets it, or it doesn't meet it. So, in this particular case all those boxes were checked. If there were going to be dissenting voices, there should have been findings of fact as to why they were voting against the planner's recommendation. That did not occur in this particular case.

If noise is an issue Council could conditionally approve it with music going off at 10:00 p.m. or 9:30 p.m. That could be a condition of the approval. We can address the traffic issue by putting in a pork chop which would only allow you to turn right out of that particular facility. There are things they can do to minimize those issues. There is some training that is going to go back to the Planning Board, so they understand exactly what they need to do when they vote. Councilman Dodd suggested Council watch the video of the Planning Board meeting. Mr. Gebhart asked how many citizens spoke during the public hearing at the Planning Board meeting. Ms. Riggs responded two. Mrs. McNamee stated in the future it would be helpful to have findings of fact from the Planning Board.

Council thanked Mrs. McNamee for her presentation.

CITY MANAGER COMMENTS

Mike Gebhart, City Manager, stated they would be holding the first run interviews for the Finance Director position this Friday afternoon. There are four candidates, one internal and three external candidates. Two members of the Finance staff, two directors, a member of the HR team and Kevin Philo, the school district treasurer, will be participating in the first round of interviews. We will do the second round of interviews the week of the 8th through the 12th. Hopefully, we will be ready to do a tentative offer on Monday, the 15th and then hopefully that person will start on or around July 6, 2026.

Mr. Gebhart reviewed the upcoming work session topics:

June 15 – Public Works Update – Discussing the building on Middle Street. It is in bad shape with separation of beams and the structure itself. Emily will do the website ADA compliance update.

COUNCIL COMMENTS

Councilwoman Stanton asked if they knew when the Tree City Board will be created. Mr. Gebhart stated that is one of the topics he and Mike McNamee need to discuss. As soon as he has something he will let her know. Councilwoman Stanton announced that the

Fairborn Pride event is going to be on Saturday, June 13th and the Juneteenth event will by Friday, June 19th. For the Pride event she and Clint Allen will be going to represent Council. Anyone who would like to join them is welcome.

Councilwoman Reaster stated Five Rivers will fill a gap in the community.

ADJOURNMENT

Councilwoman Reaster moved to adjourn the meeting. Councilwoman Stanton seconded. Yeas, seven: Reaster, Stanton, Allen, Chess, Dodd, McCubbins and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 5:55 p.m.

MAYOR

CLERK, CITY OF FAIRBORN

FFD Recruitment Initiatives and Operational Modifications 2026

Operational Considerations:

Hire EMT's / FFII

Authorized staffing has never been met

There are thousands of FF / EMT's who are certified in the State of Ohio

We are one of the last departments "holding out"

EMT's are valued, respected care providers in the career field

Operational Considerations:

Hire EMT's / FFII

The term "EMT's" include Paramedic students who are already level II (Professional) Fire Fighters, and level II FF's who have not yet started paramedic training

These employees will be fulltime, Union members who count toward staffing

Proposed to be paid less than a FF / PM. They will receive an approximate 16% pay increase when certified

The Department maintains its ALS standards

EMT's must obtain Paramedics in set amount of time

Recruits will be the first three hired, and are now in training

Compensation Comparables 2025

- Beavercreek FF/EMT $65,670 - $84,184
- Trotwood FF/EMT $57,920 - $76,295
- Troy FD FF/EMT $51,488 - $63, 855
- Huber FF/EMT $52,584 - $77,461

* Note: Some departments do not require medics, thus the higher and longer top out

FFD FF / EMT **$62,433 – $79,905 (Steps A-G)**

Fairborn FF / Paramedic $72,414-$92,680

- Additional costs include time off for class, infrequent overtime for class, books, fees, and tuition.
- These costs will be minimized by staffing policy, and discretion as permitted through negotiations of the MOU with L1235.
- A payback agreement is in place with 1-, 2-, and 3-year terms.

Station Staffing Standards

- Policy 206 – Minimum Staffing Levels

STAFFING	STATION 1	STATION 2	STATION 3	STATION 4
18	5	3	5	5
17	5	3	4	5
16	5	3	4	4
15	4	3	4	4
14	4	2	4	4
13	4	3	2	4
12	4	2	2	4

Next Steps

- Council Approval of the position (?)
- Conditional offers to our three recruits
  - Offer acceptance
  - Pension physicals
  - Formal offers
- 30-Day Waiting Period before the position exists
  - Advertisement, applications, background checks, interviews
  - Hire recruits (reduce 9 vacancies to 6)
- Conditional offers of new applicants....
- Continue providing outstanding and comprehensive service to our residents, businesses, students, and visitors!

Other exciting news…

- Training continues with the new Ladder Truck (Ladder 2)
- The Explorer Program will be coming this year!
- Questions, Comments, or Concerns?

McNAMEE
LAW GROUP

Rooted in Community
Devoted to Excellence

To: Fairborn City Council and Staff

From: McNamee Law Group, LLC

Date: June 1, 2026

Re: Fairborn PUD Process — Step-by-Step Summary

Step 1: Confirm Applicability

- All proposed developments on lots of 5 acres or more must be rezoned to PUD. PUD proposals should not be used on small areas as a means of bypassing traditional district regulations. § 1123.02(a)
- The Planning Board may authorize a PUD application on lots less than 5 acres where the proposed uses are of a density or intensity not otherwise permitted under a base zoning district but are envisioned in the comprehensive plan. § 1123.02(c)
- Ownership Requirement: The tract(s) of land must be in one ownership or control, or subject to a joint application by all property owners included in the proposal. § 1123.03(a)

Step 2: Pre-Application Conference

- Prior to submitting a PUD application, all potential applicants must meet with the Development Services Department to discuss Preliminary and Final Plan contents and any other City department with an interest in the project. § 1123.03(c)(1)
- The purpose of the conference is to discuss the proposed development, review submittal requirements, and discuss compliance with the Code prior to submission. § 1123.03(c)(2)
- Important Note: No action can be taken by staff until the applicant submits an actual application. All pre-application discussions are not binding on the City and do not constitute official assurances or representations. § 1123.03(c)(3)

Step 3: Submit Application — Preliminary Development Plan & Zoning Map Amendment

- The applicant submits an application in accordance with applicable Code requirements, including both a PUD Preliminary Development Plan and a Zoning Map Amendment. § 1123.03(d)(1)
- All applications not already within a PUD Zoning District must include a separate rezoning application. The Planning Board and Council shall approve initial plans by ordinance, using the notice and procedure requirements for rezoning under Chapter 1132. § 1123.03(b)(2)
- Simultaneous Filing Option: Preliminary and Final Plans may be submitted and approved simultaneously where the project area is a minimum of 5 acres but less than 25 acres. § 1123.03(b)(3)

Step 4: Planning Board Review — Preliminary Development Plan

- The Planning Board reviews the PUD Preliminary Development Plan and makes a recommendation to City Council to approve, approve with modifications, or deny, based on the criteria in Chapter 1123. § 1123.03(d)(2)(C)
- The Planning Board may recommend that the Final Development Plan be submitted in stages or phases, but only upon evidence assuring completion of the entire development in accordance with the Preliminary Plan and a phased development schedule. § 1123.03(d)(2)(D)
- Conditions & Resubmission: The Planning Board may impose conditions of approval and may permit the applicant to revise and resubmit the Preliminary Plan within 60 days of such action. § 1123.03(d)(2)(F)

Step 5: City Council Public Hearing — Preliminary Development Plan

- City Council holds a public hearing on the Preliminary Development Plan and PUD zoning map amendment and decides to approve, approve with modifications, or deny. If approved, the land is rezoned as a PUD with a related, approved Preliminary Development Plan. § 1123.03(d)(2)(E)
- City Council reviews the PUD criteria under Section 1123.04 in making its decision.

Step 6: Submit Final Development Plan

- Within one (1) year after approval of the Preliminary Development Plan, the applicant must file a PUD Final Development Plan for the entire development (or for the first phase, if phased). § 1123.03(d)(3)(A)
- Expiration: If more than one year passes and the Final Plan has not been submitted (and no extension of up to one year has been filed), the Preliminary Plan is deemed expired and must be resubmitted. In no case shall a Preliminary Plan be valid for more than two years. § 1123.03(d)(3)(B)

Step 7: Planning Board Review — Final Development Plan

- Upon the Zoning Administrator's determination that submissions are complete, the Final Development Plan is submitted to the Planning Board for review at its next regularly scheduled or special meeting. § 1123.03(d)(3)(D)
- The Planning Board reviews the Final Development Plan to determine whether it conforms in all substantial respects to the previously approved Preliminary Plan and all other applicable Code standards. § 1123.03(d)(3)(E)
- The Planning Board holds a public hearing and decides to approve, approve with modifications, or deny. § 1123.03(d)(3)(G)
- Conditions: The Planning Board may impose conditions of approval and permit the applicant to revise and resubmit within 60 days. Such conditions become part of the terms of approval, and violations constitute a Code violation — no zoning permit will be issued. § 1123.03(d)(3)(H)

Step 8: Zoning Permit Issuance

- Zoning permits shall not be issued until the lot or applicable subdivision has been fully recorded with the Greene County Recorder's Office and public improvements have been installed per applicable subdivision regulations. § 1123.03(d)(4)

Step 9: Recordation

- The developer must submit the original drawing of the final record plat and all required fees and bonds to the City within 180 days of City Council approval, or final approval is null and void (extensions up to 180 additional days may be granted by the Zoning Administrator). § 1123.03(j)(1)

- The developer must then record the plat, at their own expense, with the Greene County Recorder within 30 days of receiving the original drawing and all required fees and bonds. § 1123.03(j)(2)

Time Limits on Approved Final Development Plans

- An approved Final Development Plan is valid for two (2) years from the date of Planning Board approval. If no development (i.e., start of construction of required improvements) has begun within two years, approval lapses. § 1123.03(e)(1)
- Two one-year extensions may be granted by the Planning Board if the extension is consistent with the current comprehensive land use plan and in the best interests of the community. § 1123.03(e)(2)

Additional Notes for Discussion

- Waiver of Standards: The Planning Board may waive specific PUD standards to encourage ingenuity and flexibility or to prevent unnecessary hardship, based on one of two specific findings. § 1123.03(f)(1)
- Resubmission Limitation: If a PUD application is denied, no application for the same area (or any portion thereof) may be filed by the same applicant within six months of denial, unless there has been a substantial change to the proposal. § 1123.03(h)
- Revocation: In the event of failure to comply with the approved plan or any prescribed condition, the Planning Board may, after notice and hearing, revoke approval of the Preliminary or Final Development Plan and simultaneously recommend whether to maintain the PUD zoning or rezone the properties. § 1123.03(i)(1)
- If the an applicant elects the simultaneous filing of the preliminary and final plans, and the Planning Board rejects the application, the City Council would only review the Preliminary Development Plan — not the Final Plan. The Final Plan needs to be reviewed by the Planning Board. The Planning Board's Role is Different for Each Plan and here is the critical distinction:
    - Preliminary Plan — Under § 1123.03(d)(2)(C), the Planning Board only makes a recommendation to City Council to approve, approve with modifications, or deny. It does not make a final decision on the Preliminary Plan.
    - Final Plan — Under § 1123.03(d)(3)(G), the Planning Board holds a public hearing and decides to approve, approve with modifications, or deny. The Final

Plan decision rests with the Planning Board alone — there is no City Council review of the Final Plan contemplated anywhere in Chapter 1123.

- Section 1123.03(d)(2)(E) expressly limits City Council's public hearing to the Preliminary Development Plan and the PUD zoning map amendment. There is no parallel provision sending the Final Development Plan to City Council, even in a simultaneous filing scenario.
- Based on the text as written, if the Planning Board recommends denial of the Preliminary Plan during a simultaneous filing: (i) City Council would still hold its public hearing on the Preliminary Plan (and the zoning map amendment) per § 1123.03(d)(2)(E) — the Planning Board's recommendation, even a negative one, does not terminate the process; and (ii) the Final Plan would remain subject to Planning Board decision alone — City Council has no express role in Final Plan review under the Code.
- This is a structural ambiguity and perhaps City Council should consider an amendment to the PUD ordinance to cleanly address the interplay between the two plans when denial occurs in a simultaneous filing context.

- FCO Section 1123.04 sets out a detailed two-tier review framework, and the ordinance specifically requires findings of fact by the Planning Board, which are reviewed by City Council. If the Planning Board fails to provide any findings of fact, especially if deciding in the negative, City Council should make sure to reference the failure of one or more of the criteria on the record in support of the decision.

§ 1123.04 — PUD Review Criteria

Tier 1: General Review Criteria — § 1123.04(a)

(Apply to ALL PUD applications; both Planning Board and City Council must address these in findings of fact)

#	Criterion	Key Considerations
1	**Comprehensive Plan Conformity**	Conformity with goals, policies, and recommendations of the Fairborn Comprehensive Land Use Plan
2	**Zoning Ordinance Compliance**	Meets the intent and spirit of the Zoning Ordinance and all other applicable City ordinances
3	**Harmonious Land Use Environment**	Promotes stable character; harmonious relationship between on-site uses and surrounding development; adequate buffers
4	**Natural Feature Preservation**	Preserves/utilizes natural topography, geologic features, scenic vistas, natural vegetation, and drainage patterns
5	**Residential Privacy & Nuisance Minimization**	Maximizes privacy within residential areas; minimizes nuisances between residential and other land uses
6	**Diverse Environment**	Provides more diverse environment for living, shopping, and/or working than possible under strict standard district requirements
7	**Efficient Land Use / Public Services**	Greater efficiency in land use; no undue burden on fire, police, schools, water supply, or wastewater disposal
8	**Environmental Impact**	No significant adverse impacts on air, water, noise, stormwater, wildlife, or vegetation — or such impacts substantially mitigated
9	**Traffic & Thoroughfare Adequacy**	Accessible from adequate public thoroughfares; internal streets and parking adequate for proposed land uses
10	**Pedestrian/Bicycle/Vehicle Conflicts**	Minimizes conflicts between pedestrians, bicycles, and vehicles
11	**Landscaping, Open Space & Amenities**	Higher quality and more useful landscaping, open space, and amenities than normally required under existing zoning/subdivision requirements
12	**Covenants, Easements & HOA Provisions**	Contains appropriate covenants, easements, HOA by-laws, and other provisions reasonably required for public health, safety, and welfare
13	**Independent Section Viability**	Each section and the total development can exist as an independent, stable, desirable unit — or adequate assurance provided
14	**Development Schedule**	Development can be substantially completed within the schedule submitted by the developer

#	Criterion	Key Considerations
15	**Agency & Department Transmittal**	Plans transmitted to all agencies/departments with review responsibility; identified issues reasonably addressed by applicant

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Tier 2: Additional Criteria for Final Development Plan — § 1123.04(b)

(Apply in addition to all Tier 1 criteria; Planning Board review only)

#	Criterion	Key Considerations
1	**Common Open Space Reservation**	Appropriate arrangements ensuring reservation of open space per both Plans; bond may be required by City Council; plan for transfer to HOA or dedication to public/quasi-public agency
2	**Public Improvement Agreements**	Appropriate agreements ensuring proper completion of public improvements per the Subdivision Regulations
3	**Consistency with Preliminary Plan**	Final Plan consistent in contents — building location, land uses, densities/intensities, yard requirements, area and frontage — with approved Preliminary Plan
4	**Phase Independence & Stability**	Each individual phase can exist as an independent unit capable of sustained desirability and stability, or adequate assurance provided
5	**Design Standard Exceptions Warranted**	Any exception from design standards in the Preliminary Plan is warranted by the design and amenities incorporated in the Final Plan
6	**Internal Street Adequacy**	Internal streets and thoroughfares are suitable and adequate to accommodate anticipated traffic within and through the development
7	**Agency & Department Transmittal (Final)**	Final Development Plan transmitted to all agencies and departments charged with review responsibility

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Summary of Who Applies Which Criteria

Review Body	Plan	Criteria Applicable	Action
Planning Board	Preliminary	Tier 1 (all 15)	Recommendation to City Council (approve / approve with modifications / deny)
City Council	Preliminary	Tier 1 (all 15)	Final decision (approve / approve with modifications / deny); rezones land to PUD if approved
Planning Board	Final	Tier 1 (all 15) + Tier 2 (all 7)	Final decision (approve / approve with modifications / deny); no City Council review

CHAPTER 1123

Planned Unit Development District

1123.01 Purpose.
1123.02 Scope and applicability.
1123.03 PUD review process.
1123.04 Review criteria.
1123.05 Permitted uses.
1123.06 Development standards.

1123.01 PURPOSE.

The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination and flexibility in the planning and designing of land areas and permitting uses and intensities of development which could cause adverse impact in other zoning categories. The PUD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments which possess greater amenities than that resulting under standard zoning district requirements. It is not the intent of the PUD to allow applications to circumvent the intent of the Zoning Ordinance to permit residential density, housing types, commercial or industrial uses, or street and utility layouts which are in conflict with the Comprehensive Land Use Plan of the City or the character of the area. It is furthermore the purpose of the PUD regulations to:

(a) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation; and contribute to the overall quality of Fairborn;
(b) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible;
(c) Provide for adequate and usable open space where there is a residential component to the proposed PUD;
(d) Ensure that there are adequate services and infrastructure to serve the proposed development; and
(e) Promote a harmonious design amongst the various elements and uses within the development while mitigating any potential negative impact on surrounding properties. (Ord. 34-17. Effective 12-7-17; Ord. 6-25. Passed 4-7-25.)

1123.02 SCOPE AND APPLICABILITY.

(a) The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, all proposed developments on all lots or combination of lots five (5) acres or more shall be rezoned to PUD. PUD proposals should not be applied to small areas as a means of bypassing traditional district regulations.

(b) Any Planned Development (PD) or PUD approved and constructed prior to the effective date of this amendment shall be rezoned to a PUD with any approved plans carrying forward. All future construction or changes shall comply with the applicable approved plan unless a modification is required, in which case, the modification shall be reviewed in accordance with this chapter.

(c) The Planning Board may authorize a PUD application on lots less than five acres where the proposed uses are of such a density or intensity that would not be otherwise permitted under a base zoning district in this code, but is otherwise envisioned as part of the comprehensive plan. (Ord. 21-19. Passed 4-1-19; Ord. 6-25. Passed 4-7-25.)

1123.03 PUD REVIEW PROCESS.

(a) In order to submit an application for PUD review, the tract or tracts of land included within the proposed PUD shall be in one ownership or control or shall be subject to a joint application by the owners of all property included within the proposal.

(b) Review Procedure Options.
(1) All applications shall be preceded by a pre-application conference pursuant to this chapter.
(2) All applications that are not within a PUD Zoning District shall include a separate application for a rezoning. The Planning Board and Council shall approve the initial plans by ordinance using the notice and procedure requirements for rezoning in Chapter 1132: Administration, Process and Procedures.
(3) All applications for PUD review shall be required to submit both a PUD Preliminary Plan and PUD Final Development Plan. Preliminary and final plans may be submitted and approved simultaneously where an application is for a tract or tracts of land that have a minimum acreage of five (5) acres but is less than twenty-five (25) acres in total project area.
(4) The minimum contents of the Preliminary Development Plan and Final Development Plan shall utilize the applicable Development Plan contents as provided for in Section 1133.03.

(c) Pre-application Conference.
(1) Prior to submitting a PUD application, all potential applicants shall meet with the Development Services Department Preliminary and Final Plan contents, and any other City department which may have an interest in the project.
(2) The purpose of the pre-application conference shall be to discuss the proposed development, review submittal requirements, and discuss compliance with the provisions of this Code prior to the submission of an application.
(3) No action can be taken by the staff until the applicant submits an actual application and/or plan to the City pursuant to the requirements of this Code. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff that occur prior to the date applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(d) PUD Review Procedure.
(1) Application (Preliminary Development Plan and Zoning Map Amendment) The applicant shall submit an application in accordance with applicable requirements of this Code.
(2) Preliminary Development Plan and Zoning Map Amendment.
A. The PUD Preliminary Development Plan approval procedure involves a zoning map amendment to rezone the subject property to a PUD with an approved PUD Preliminary Development Plan.
B. The procedure for this stage shall comply with the requirements of Chapter 1132: Administration, Process and Procedures regarding zoning map amendments.

C. The Planning Board shall review the PUD Preliminary Development Plan and make a recommendation to City Council to approve, approve with modifications, or deny the application. The recommendation shall be made based on review of the application using the criteria contained in this chapter.

D. The Planning Board may, in its recommendation to City Council, require that the PUD Final Development Plan be submitted in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the PUD Preliminary Development Plan and phased development schedule.

E. In accordance with the zoning map amendment review process, City Council shall hold a public hearing on the Preliminary Development Plan and PUD zoning map amendment and decide to approve, approve with modifications, or deny the application using the criteria contained in this chapter. If the application is approved, the area of land involved shall be rezoned as a PUD with a related, approved PUD Preliminary Development Plan.

F. In making its recommendations or decisions, the Planning Board and/or City Council may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Board and/or City Council may permit the applicant to revise the plan and resubmit it as a PUD Preliminary Development Plan within sixty (60) days of such action. Such resubmission shall be made to the board that imposed such conditions.

(3) Final Development Plan Review.

A. Within one (1) year after the approval of the PUD Preliminary Development Plan, the applicant shall file a PUD Final Development Plan for the entire development, or when submitting in stages, as authorized by the Planning Board during the PUD Preliminary Development Plan review, for the first phase of the development.

B. If more than one (1) year passes from the date of approval of the PUD Preliminary Development Plan and the final PUD Development Plan has not been submitted for approval or a request for an extension not to exceed one (1) year has been filed with the Planning Board, the PUD Preliminary Development Plan shall be deemed expired and the applicant must resubmit such plan. In no case shall a PUD Preliminary Development Plan be valid for more than two years. After the PUD Preliminary Development Plan has expired, the PUD zoning designation shall remain in place but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Preliminary Development Plan for review pursuant to this chapter, or submits an application for a zoning map amendment to a base zoning district.

C. Preliminary subdivision plat approval may occur concurrently with the PUD Final Development Plan approval.

D. An applicant shall submit a PUD Final Development Plan for review. Upon determination by the Zoning Administrator that the PUD Final Development Plan submissions are complete, such plans shall be submitted to the Planning Board for review at its next regularly scheduled meeting, or at a special meeting.

E. The Planning Board will review the PUD Final Development Plan to determine whether it conforms to all substantial respects to the previously approved PUD Preliminary Development Plan and to all other applicable standards of this Code.

F. If submitting plats for subdivision review simultaneously with the PUD Final Development Plan, the plats shall be subject to all applicable subdivision standards and requirements including the applicable review process.

G. The Planning Board shall hold a public hearing on the PUD Final Development Plan and decide to approve, approve with modifications, or deny the application using the criteria contained in this chapter.

H. In its decision, the Planning Board may impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Board may permit the applicant to revise the plan and resubmit it as a PUD Final Development Plan within sixty (60) days of such action. Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this section and no zoning permit will be issued

(4) Zoning Permit Issuance. Zoning permits shall not be issued until the lot or applicable subdivision has been fully recorded in the office of the Greene County Recorder's Office and public improvements have been installed in accordance with the applicable subdivision regulations.

(e) Time Limit.

(1) Any PUD Final Development Plan shall be valid for a period of two (2) years after the date of approval by the Planning Board. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved PUD Final Development Plan for one or more phases of the project) in the PUD within two years from the date of approval, such approval shall lapse and be of no force and effect.

(2) Two one-year extensions of the time limit set forth in Subsection (1) hereof, may be granted by the Planning Board if such extension is not in conflict with the most current comprehensive land use plan and that such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.

(3) If an approved PUD Final Development Plan lapses as provided in Subsection (1) hereof, the originally approved PUD Preliminary Development Plan shall also be considered void. Notice of such lapse shall be filed by the Planning Board and forwarded to the City Council.

(4) Voiding of the PUD preliminary and Final Development Plans shall not rezone the property. After such plans are voided, the Planning Board, City Council, or property owners may initiate a rezoning to a base zoning district in accordance with Chapter 1132: Administration, Process and Procedures or the property owner, or their agent, may resubmit a PUD Preliminary Development Plan in accordance with the procedures of this chapter.

(f) Waiver of Standards.

(1) In order to encourage ingenuity, imagination and flexibility in the design of PUDs and prevent unnecessary hardships, the Planning Board may choose to waive specific standards cited in the Planned Unit Development provisions in this chapter. By motion, the Planning Board may waive specific standards based on one of two following findings:

A. The waiver will allow for improvement in overall design of the development and will enhance the proposal's compliance with the general criteria for approval in this chapter; or

B. The waiver will remedy a standard causing practical difficulty or unnecessary hardship to the property owner. The difficulty or hardship caused is due to exceptional circumstances applying to the property but not caused by the owner. The waiver is necessary for preservation of substantial property rights possessed by others in the same PUD District. After the waiver is approved the development will continue to comply with the general criteria for approval in this chapter.

(2) The applicant shall identify each requested waiver at the time of application and explain in writing how the waiver meets one of the two findings. Prior to making an overall recommendation regarding the PUD application, the Planning Board shall, by motion, accept or reject the requested waiver. Any recommendation of the Planning Board shall be by a simple majority of the full membership of Planning Board.

(3) If the waiver is denied by the Planning Board, any applicant whose property is included in the development proposal may appeal to Council within ten days of the Planning Board action taken. City Council shall take no final action on an

overall application during this ten (10) day period unless the application waives his right to appeal. After Council has held a public hearing upon the waiver, it may overrule the denial by the Planning Board, but only by a three-fourths vote of the full membership of City Council.

(g) Changes to Approved PUDs.

(1) A PUD shall be constructed and completed in accordance with the approved PUD Final Development Plan and all supporting data. The PUD Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the planned unit development as set forth therein.

(2) Where a property owner on a lot in a PUD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Chapter 1132: Administration, Process and Procedures.

(3) Any request to change or otherwise modify the approved PUD Final Development Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

(4) Major Change.

A. Major changes to a PUD require the prior approval of the Planning Board and the City Council in the same process, and with the same hears, as that used to review of the PUD Preliminary Development Plan. The Zoning Administrator shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:

i. Expansion of the PUD project beyond the original tract coverage;

ii. Removal or subtraction of land from the original tract coverage; and

iii. Proposed changes that will result in an increase in residential dwelling units of more than five percent (5%) of the total dwelling units proposed or an aggregate increase of more than ten percent (10%) in nonresidential square footage.

B. Changes that require the approval of only the Planning Board at a public hearing include, but are not limited to, the following:

i. Changes in the site plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and

ii. Amendments to the conditions that were attached to the PUD Preliminary Development Plan or PUD Final Development Plan approval.

(5) Minor Changes.

A. Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD Preliminary Development Plan and which are essentially technical in nature, as determined by the Zoning Administrator.

B. Examples of minor changes include, but are not limited to, change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.

C. The Zoning Administrator shall notify the Planning Board of all such approved minor changes.

(h) Limitation on Resubmission. Whenever an application for a PUD has been denied, no application for the same area or any portion thereof shall be filed by the same applicant within six months after the date of denial unless there has been a substantial change to the proposed application.

(i) Revocation.

(1) In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Planning Board may, after notice and hearing, revoke the approval of the PUD Preliminary or Final Development Plan. The Planning Board shall at the same time recommend whether to maintain the PUD zoning district or the rezoning of the properties to another zoning district.

(2) The revocation shall become final thirty (30) days after Council passes an ordinance to rezone the property to a non-PUD zoning category or a decision by the Planning Board to revoke the approved plans but retain the PUD zoning.

(3) Where the PUD zoning remains without an approved PUD Preliminary Development Plan or a PUD Final Development Plan, the property owner or agent shall be required to submit a new PUD Preliminary Development Plan in accordance with the review procedures of this chapter.

(j) Recording.

(1) The developer shall submit the original drawing of the final record plat and all required fees and bonds to the City within 180 days of City Council approval or the final approval is null and void unless an extension is granted by the Zoning Administrator for up to 180 additional days.

(2) The developer shall record the plat, at their own expense, with the Greene County Recorder within thirty (30) days from the receipt of the original drawing and all required fees and bonds.

(Ord. 34-17. Effective 12-7-17; Ord. 6-25. Passed 4-7-25.)

1123.04 REVIEW CRITERIA.

(a) General Review Criteria. All PUD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings of fact when making recommendations and decisions regarding PUD applications, especially for the review of the PUD Preliminary Development Plan:

(1) The proposed development is in conformity with the goals, policies, and any applicable recommendations of the Fairborn Comprehensive Land Use Plan;

(2) The proposed development meets the intent and spirit of the Zoning Ordinance and all other applicable City ordinances;

(3) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;

(4) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;

(5) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;

(6) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this Zoning Ordinance;

(7) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply and wastewater disposal due to excessive population densities;

(8) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

(9) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement of land uses;

(10) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;

(11) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning and subdivision requirements;

(12) The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, and welfare;

(13) The proposed development is designed in such a way that each individual section of the development as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;

(14) The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the developer; and

(15) The PUD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

(b) Review Criteria for the PUD Final Development Plan. In addition to the General Review Criteria above, the following criteria shall serve as conditions that should generally be satisfied before the approval of the PUD Final Development Plan:

(1) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as indicated on the PUD Preliminary Development Plan and PUD Final Development Plan. If deemed necessary by City Council during the PUD Preliminary Development Plan review process, City Council may require the applicant to hold bond to ensure the successful and proper reservation of open space. Furthermore, the PUD Final Development Plan shall demonstrate how the open spaces shall be duly transferred to a legally established homeowner's association or has been dedicated to the City or another public or quasi-public agency;

(2) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with Title Three (Subdivision Regulations) of the Codified Ordinances of Fairborn, Ohio;

(3) The proposed PUD Final Development Plan for the individual section(s) of the overall PUD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PUD Preliminary Development Plan;

(4) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;

(5) That any exception from the design standards provided in the PUD Preliminary Development Plan is warranted by the design and amenities incorporated in the detailed PUD Final Development Plan;

(6) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development; and

(7) The PUD Final Development Plan has been transmitted to all other agencies and departments charged with responsibility of review.

(Ord. 34-17. Effective 12-7-17; Ord. 6-25. Passed 4-7-25.)

1123.05 PERMITTED USES.

(a) Principal Uses.

(1) Only those uses listed in Chapter 1122, Use Districts, as a permitted use, whether permitted as-of-right or conditional, may be considered in the application of a PUD.

(2) In general, any standards that applies to a specific use in Chapter 1128: Supplemental and Accessory Regulations shall also apply to those same uses in a PUD. However, the Planning Board and City Council may adjust or waive any of those use-specific standards.

(3) As part of any approval, the Planning Board and/or City Council may restrict the uses permitted within an individual PUD.

(4) No land or structure shall be used or occupied so as to create any nuisance or hazard involving fire, explosion, noise, vermin, brilliant light, vibration, smoke, dust, fumes, odor, heat, cold, disease, dampness, electrical or electronic disturbance, radiation and/or toxic agents.

(5) Any changes in uses within an approved PUD shall be required to be reviewed as part of a major PUD amendment.

(b) Accessory Uses.

(1) Unless otherwise allowed for in the approved plans, accessory uses associated with development in a PUD shall be allowed in accordance with the following:

A. Accessory uses permitted in the SR district shall be allowed for any single-family dwelling.

B. Accessory uses allowed in the MDR district shall be allowed for any two-family, three-family, or multi-family dwelling.

C. Accessory uses allowed in the GC and LI zoning districts shall be allowed for nonresidential uses.

(2) Any allowed accessory uses shall still comply with the applicable accessory use standards established in Chapter 1128: Supplemental and Accessory Regulations.

(3) As part of any approval, the Planning Board and/or City Council may restrict the accessory uses permitted within an individual PUD.

(Ord. 34-17. Effective 12-7-17; Ord. 6-25. Passed 4-7-25.)

1123.06 DEVELOPMENT STANDARDS.

(a) Minimum Site or Lot Requirements.

(1) Yard, setback, lot size, type of dwelling unit, height, frontage and floor area requirements and related limitations, and use restrictions contained in other chapters of this Code, may be waived for a PUD, provided that the spirit and intent of this Code and this section are met as determined by the Planning Board and City Council.

(2) Every building in a PUD shall have access either to a public street, walkway or other area dedicated to common use.

(3) In PUDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements. At a minimum, residential dwellings shall meet the following standards in a PUD:

A. The minimum distance between structures shall not be less than fifteen (15) feet or one-half the height of the higher structure, whichever is greater;

B. The minimum setback permitted from public rights-of-way shall be twenty-five (25) feet for streets identified on the City Thoroughfare Plan or related plans for transportation in the City of Fairborn, and for streets designed to provide access to property adjoining the development;

C. Impervious surface coverage shall not exceed thirty-three percent (33%) of the total site, excluding public rights-of-way, except that variances from coverage requirements may be permitted when balanced by the provisions of additional amenities achieved by the amount, location, and improvement of open space and increased attention to storm water run-off and its detention. Coverage shall never exceed fifty percent (50%) except by the waiver procedure found in Section 1123.03(f): Waiver of Standards; and

D. Balconies, decks and patios shall be screened from each other in multiple family developments.

(4) For developments without any residential component, the minimum spacing between interior buildings shall be subject to approval by the City, but in no case shall be less than twenty (20) feet or one-half the height of the taller building whichever is greater. All buildings along the perimeter of a PUD that is larger than five (5) acres in size shall be set back a minimum of fifty (50) feet along any existing residential district, park, or school property, and twenty-five (25) feet along any other district or property. These perimeter setbacks shall be doubled if the proposed use is classified as an "industrial, manufacturing and process" use in Section 1122.16(d): Permitted Uses in the LI District or Section 1122.16(e): Conditional Uses in the LI District. Perimeter setbacks may only be reduced using the waiver procedure found in Section 1123.03(f): Waiver of Standards.

(b) Maximum Building Height Standards.

(1) Residential buildings or mixed-use buildings that contain residential dwellings may exceed thirty-five (35) feet only if the Planning Board determines the proposed building allows adequate fire emergency access and is of an appropriate scale to its surroundings.

(2) All other buildings shall not exceed eighty (80) feet in height or the appropriate Airport Zoning Regulation, whichever is less.

(c) Land Use Density and Intensity.

(1) Final land use density and intensity of uses shall be subject to approval of the Planning Board and City Council during the PUD Preliminary Development Plan review.

(2) In general, the overall gross density of a residential component of a PUD shall comply with the Comprehensive Land Use Plan. Residential densities shall not exceed 17.5 dwellings units per gross acre for units with two bedrooms per unit or less. Residential densities shall not exceed 14.5 dwelling units per gross acres for units with three or more bedrooms per unit.

(3) Increased net densities or lot coverage may be permitted by the Planning Board where it is satisfied that the applicant has provided a proportionate increase in the amount and amenity of common open space. Such density increases shall not exceed fifteen percent (15%) of the maximum densities established in this section.

(4) For nonresidential uses, the overall intensity of development shall be compatible with the recommendations of the Comprehensive Land Use Plan and with the capacity of public streets, drainage facilities and utilities and not violate the following standards:

A. The impervious surface of the site shall not exceed eighty percent (80%) of the total site excluding public rights of way.

B. The aggregate floor area of all buildings shall not be greater than sixty percent (60%) of the total area of the site excluding public rights of way.

(5) The preceding density guidelines may be varied at the discretion of the Planning Board and the City Council if it can be demonstrated that a variance to a guideline is necessary to achieve an improved site design, that surrounding neighborhoods and public facilities will not be adversely affected, and that a common open space will be provided. However, the approved density in the PUD shall not exceed more than fifteen percent (15%) the density which is permitted in this section.

(6) Where there are mixed-use structures that contain both residential and commercial or commercial and industrial uses, the applicant shall provide information indicating the appropriate use groups for various areas within such structures and type of construction separating them. No highly combustible, toxic or otherwise hazardous materials shall be permitted within residential areas of the development. In addition:

A. Adequate information shall be provided to the Fire Department and Building Inspection Division for each to determine that the mixed use building(s) shall meet State and local building and fire codes.

B. Adequate security shall be provided between uses in mixed-use structures. Interior common areas serving dwellings shall not be accessible to the public at large.

(d) Design and Development Standards. Where this Code provides for design and development standards not specifically addressed in this chapter, development within a PUD shall comply with the applicable standard.

(1) Illumination.

A. Common parking areas and accessways shall be illuminated adequately with fixtures designed and installed so as to reflect light away from adjoining properties.

B. All development shall comply with the outdoor lighting requirements of Chapter 1125: Performance Standards.

(2) Off-Street Parking and Loading. Adequate off-street parking shall be provided including provisions for guest parking. The Planning Board may require parking exceeding the requirements of Chapter 1130: Parking and Loading, when on-street parking will not be available to meet guest parking needs. The off-street parking and loading requirements may only be waived using the waiver procedure identified in Section 1123.03(f): Waiver of Standards.

(3) Landscaping and Buffering.

A. All PUDs shall comply with the applicable landscaping and buffering requirements of Chapter 1129: Screening, Buffer Yard, Landscaping and Fences, which shall be established as the minimum landscaping and buffering requirements.

B. The percentage of retained and proposed landscaped areas to total area shall not be less than twenty percent (20%) of the entire lot.

C. In general, all unpaved areas of a lot shall be landscaped or a bond or irrevocable letter of credit submitted to guarantee the installation of landscaping prior to occupancy of a principal building.

D. Every effort shall be made to preserve mature stands of trees and other natural features having intrinsic, aesthetic value.

E. Where this is not practical, attractive groupings of nursery materials shall be planned.

F. The amount of landscaping shall be comparable to the intensity of the development proposed. Particular care shall be taken to introduce trees and other landscaping into parking and other paved areas.

G. PUDs that contain nonresidential uses or residential uses of a higher density or intensity of adjacent residential uses shall be required to provide a permanent open space buffer consisting of mounding and vegetative plantings sufficient to protect the privacy and amenity of such adjoining areas. The buffer area shall be a minimum of fifty (50) feet in width unless otherwise approved by the Planning Board through the waiver procedure of Section 1123.03(f): Waiver of Standards.

H. The buffer area shall be maintained by the land owner or owner association in such a manner as to insure its effectiveness.

I. Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas. Such areas or containers shall be screened in

accordance with this Code and shall include a decorative gate for access.

(4) Signs. Signs shall be integrated into the building and landscaping plans so as to enhance the overall appearance while providing adequate identification of the development. The requirements of Chapter 1131: Signs may only be waived using the waiver procedure identified in Section 1123.03(f): Waiver of Standards.

(5) Vehicular Access Points.

A. The number of ingress and egress points shall be limited in order to reduce the number of potential accident locations with streets.

B. Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.

C. Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide buffers between areas of substantially different character.

D. The street and thoroughfare network shall be designed to minimize truck and through traffic passing through residential areas of the development, especially where dwelling units with two or more bedrooms are common.

E. Truck loading areas shall be physically isolated from residences or enclosed.

(e) Improvement Standards.

(1) Unless alternative standards are approved as part of the PUD approval process, all PUDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.

A. All streets proposed within a PUD shall be public streets, dedicated to the City of Fairborn in accordance with the applicable subdivision regulations, unless otherwise approved by Planning Board and City Council as part of the PUD Preliminary Development Plan approval. In considering the approval of any application that proposes the use of private streets, the Planning Board and City Council shall consider the following:

i. All private streets shall be designed in accordance with the standards of the Subdivision Regulations except that curbs and gutters may be waived and street width reduced if adequate provision has been made for storm drainage, guest parking and for access by emergency vehicles and trash collection trucks.

ii. Private streets shall be oriented and designed to discourage through traffic movement.

iii. Private streets should not be designed for extension into any adjacent development or provide access to future development which may occur on adjacent undeveloped land;

iv. Private streets shall have no more than thirty residential properties per entrance to a public street.

v. Any development proposed containing private streets shall also contain a description of the method by which such streets are to be maintained, such as the by-laws of a homeowners' association.

(2) In addition to any sidewalk requirements required by the applicable subdivision standards, any PUD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.

(f) Common Open Spaces.

(1) Common open space shall be required in all applications where there is a proposed PUD that contains any residential uses

(2) The common open space requirements for a PUD shall be based on the proposed residential density and shall be in accordance with Table 1123-1.

Table 1123-1: Common Open Space Set-Aside

Proposed Residential Gross Density	Open Space Requirement
Under 4 dwelling units per acre	10% formal or informal
4 to less than 8 dwelling units per acre	10% total with a minimum of ½ of the set-aside established as formal
8 or more dwelling units per acre	5% formal

(3) The open space shall be designed for the leisure and recreational use of the residents of the development.

(4) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.

(5) When open space is required, such space shall be areas that have been improved for active use by residents or members of the public that may include, but is not limited to, in-ground swimming pools, playgrounds, tennis courts, jogging trails, or similar outdoor recreational uses.

(6) The following areas shall not be counted toward compliance with open space requirements:

A. Private and public roads, and associated rights-of-way;

B. Public or private parking spaces, access ways, and driveways related to any residential use;

C. Required minimum spacing between buildings and required yard setbacks;

D. Vehicular use areas;

E. Land that is subject to pre-existing conservation easements or other similar protected open spaces;

F. Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;

G. Substations, public utility easements;

H. Dry stormwater detention basins or facilities;

I. Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Planning Board or Zoning Administrator, as may be applicable based on the review procedure.

(7) All common open space shall be in accordance with the following:

A. The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PUD;

B. The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PUD in relation to its size, density, expected population, topography and the type of dwellings;

C. The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition; and

D. Adequate provision shall be made for the long-term maintenance and/or operation of the open space and its improvements:

i. The proposed common open space may be conveyed to a public authority which agrees to maintain the common open space and any buildings, structures or improvements which have been placed on it. All land dedicated to

the public shall meet the requirements of the appropriate authority as to size, shape and location. Public utility or other similar easements and rights of way for water course, other similar channels or for storm drainage facilities are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated; and

ii. The proposed open space may be conveyed to the trustees of a Homeowners' Association or similar organization formed for the maintenance of the planned development. The common open space may be conveyed by covenants under such an arrangement subject to approval by the Planning Board. Such covenants shall restrict the common open space to the uses specified on the PUD Final Development Plan and provide for the maintenance of common open space in a manner which assures its continuing use for its intended purpose.

(Ord. 34-17. Effective 12-7-17; Ord. 21-19. Passed 4-1-19; Ord. 6-25. Passed 4-7-25.)