

**SECTION 440**  
**MUPD Mixed Use Planned Development District**

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**440.1 PURPOSE.**

The Mixed Use Planned Development (MUPD) District and its regulations are established in order to permit compact development that fosters a more traditional neighborhood design characterized as a walkable community and which facilitates more efficient use of services. More specifically, the purposes of this district are to:

- A. Permit residential and economic development that is compatible with the Comprehensive Plan for Springfield Township and that fosters a sense of place for the Township.
- B. Permit, in select areas, a pedestrian oriented mixture of uses including offices, limited retail, and higher density residential in a manner that reinforces the present compact environment to take advantage of areas situated in proximity to amenities and services in the Township, including but not limited to the Springfield Lake area.
- C. Ensure that new development and/or redevelopment will occur in a manner that provides adequate transition between more intense retail uses and lower density residential.
- D. Ensure that new development and/or redevelopment comply with these objectives by requiring a development plan and establishing a review process to ensure that all phases of a development are consistent with these regulations.

**440.2 ESTABLISHMENT OF A MUPD DISTRICT.**

A Mixed Use Planned Development (MUPD) District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Section 750 and the requirements set forth in Section 440. The boundaries of the Mixed Use Planned Development District shall be indicated on the Official Zoning Map with the symbol MUPD.

**440.3 APPLICATION OF THE MUPD DISTRICT.**

The Mixed Use Planned Development (MUPD) District shall be in addition to and shall overlay all other zoning districts where the MUPD district is established. Therefore, any parcel of land lying in the MUPD district shall also lie in one or more of the other zoning districts provided for in this Zoning Resolution. The district designation of MUPD shall be superimposed over the existing zoning designations on the Zoning Map.

**440.4 OVERALL DEVELOPMENT REQUIREMENTS.**

In order to accomplish the purposes set forth in Section 440.1, the uses permitted in a Mixed Use Planned Development (MUPD) District shall be developed in a manner that:

- A. Provides for a Neighborhood Center that serves as a focal point for the Mixed Use Planned Development.
  - 1. For the purposes of these regulations, a Neighborhood Center is the denser part of the MUPD, which consists of a variety of businesses, retail and professional offices, as well as residential units. It is typically located centrally within or along an important thoroughfare and integrated in the overall development so that it is easily accessible to all residents in the development. It may also include civic buildings that serve as symbols of the community, thus enhancing community identity.
  - 2. A minimum of fifteen percent (15%) of the land area in a MUPD District shall be devoted to a Neighborhood Center, as defined in these regulations, or be immediately adjacent to and connected with an existing nonresidential development comprised of more than 10 acres of offices, retail/services and/or community facilities/institutions.
  - 3. The land area subject to this requirement shall include the buildings, parking, access, walkways, and landscaping directly related to and required for these uses.
- B. Includes a variety of housing types that make up the Residential Neighborhood of the MUPD, which is integrated with the Neighborhood Center in a manner that results in a cohesive development. The Residential Neighborhood is intended to have a higher density adjacent to the Neighborhood Center with a lesser density on the outer edges that abut existing lower density residential development.
- C. Provides for convenient pedestrian circulation among the uses to create a more traditional neighborhood development in the community by including:
  - 1. A network of interconnecting streets and blocks;
  - 2. Well configured squares, plazas, landscaped streets, and parks woven into the pattern of the neighborhood;

3. Sidewalk connections to community facilities, offices and retail centers within and adjacent to the MUPD.
- D. Conforms to a set of design guidelines approved at the time of rezoning to ensure that:
1. Buildings, open spaces and other visual features that act as landmarks are included in the neighborhood;
  2. Buildings and other improvements are compatible based on their architecture, massing, orientation and arrangement; and
  3. A cohesive environment is created.
- E. Reduces the impact between the MUPD district and existing and future development adjacent to the MUPD district by providing adequate transitional features such as:
1. Primary uses in a MUPD project that are similar in intensity to existing and/or expected uses in the abutting districts.
  2. Placing the lower intensity uses in a MUPD project adjacent to the lower intensity uses and zoning districts that are outside the MUPD district, and
  3. Including adequate screening and buffering around the perimeter of the Planned Mixed Use Development project.
- F. Is located on a major street within the Township, which for the purposes of this District shall include US 224, Canton Road, Massillon Road, or Arlington Road.

**440.5 MINIMUM PROJECT AREA AND OWNERSHIP.**

The gross area of a tract of land proposed to be developed as a MUPD shall be at least 40 acres.

- A. The Zoning Commission may waive this requirement when they determine that, because of unique circumstances, this minimum can not be achieved and the development of the property at a lesser standard will not have any material adverse impact on the adjacent property or the Township provided that in no case shall the area of the MUPD be less than 10 acres. Unique circumstances may include but are not limited to:
1. The proposed MUPD is adjacent to and thus becomes an extension of an existing or separately proposed MUPD; or
  2. Because of existing uses, natural features, or ownership patterns there is no, or little, likelihood that contiguous land area can be acquired and consolidated to achieve the requisite 40 acres.

B. To be eligible for an MUPD, such tract of land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations provided that an application must be filed by the owner or jointly by owners of all property included in the project area. In the case of multiple ownership, the approved final development plan and related conditions, including the phasing of development, shall be binding on all owners.

**440.6 USES.**

Within a Mixed Use Planned Development, no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the uses specifically enumerated below in Table 440.6A. and further provided that each such use is identified on and approved as part of the development plan.

A Table 440.6A Permitted Uses:

	Neighborhood Center	Residential Neighborhood
<b>1. Residential:</b>		
a. Single-family detached dwellings	--	P
b. Cluster single-family dwelling	--	P
c. Attached single-family dwelling with not more than 4 units attached	--	P
d. Townhouse with not more than 6 units attached	P*	P
e. Multifamily dwellings	P*	P
f. Assisted living facility	P*	P
g. Congregate living facility	P*	P
<b>2. Offices:</b>		
a. Offices including administrative, medical, business and professional	P	--
b. Sales offices with only samples of products	P	--
<b>3. Retail/Services:</b>		
a. Retail establishments in completely enclosed buildings	P	--
b. Banks	P	--
P = use is permitted; P* = use is permitted subject to 440.9G: -- = Use is not permitted		

	Neighborhood Center	Residential Neighborhood
c. Personal service establishments including but not limited to: laundry, dry cleaning, barber shop, beauty shop and repair shop for personal items such as shoes, watch, camera, etc.	P	--
d. Instructional studios including dance, art, photography	P	--
e. Restaurants, with or without outdoor dining.	P	--
f. Bed and breakfast establishments	P	--
4. Entertainment, Recreation, Community Facility:		
a. Clubs, lodges, or other assembly halls	P	--
b. Day care facility, adult or child	P	--
c. Education facilities, public and private, primary and secondary	P	--
d. Indoor recreation facilities	P	--
e. Libraries, museums	P	P*
f. Public park	P	P
g. Public safety facilities, local	P	P*
5. Other uses permitted as a principal use permitted by right in the underlying zoning district	P	P
P = use is permitted; P* = use is permitted subject to 440.9G: -- = Use is not permitted		

B. Conditionally Permitted Uses. Uses that are conditionally permitted in the underlying zoning districts and are not listed in Section 440.6A above, may be conditionally permitted in any location in the MUPD subject to the criteria established in 440.9.

C. Accessory Uses. The following uses that are accessory to an establishment in a MUPD district shall be permitted when they are clearly incidental to and subordinate to, meet the setbacks of, and are located on the same lot as the principal building or use.

1. Off-street Parking. Off-street parking as regulated in Section 440.8 and Section 520.
2. Fences and Walls. Fences and walls may be erected in a MUPD District in compliance with Section 530.

3. Accessory Facilities for Residents of Development. Community centers, pools, tennis courts, and other indoor and/or outdoor recreational and/or community gathering places typically associated with single-family detached dwellings, two-family dwellings, single-family attached dwellings and/or multifamily dwellings, for use by residents of the MUPD project.
4. Signs. Signs as regulated by Section 510.

#### **440.7 DENSITY AND OPEN SPACE REGULATIONS.**

The number of dwelling units permitted and the amount of restricted open space provided as part of any MUPD shall comply with the following:

- A. Density for Residential Development. The density of each area of a MUPD project devoted to a specific dwelling unit type shall not exceed the maximum number of dwelling units per acre set forth below:
  1. Single-family Detached Dwellings – Maximum density shall be three and one half (3.5) dwelling units per acre.
  2. Two-family Dwellings and Single-family Attached Dwellings - Maximum density shall be five (5) dwelling units per acre.
  3. Multifamily Dwellings - Maximum density shall be eight (8) dwelling units per acre.
- B. Maximum Number of Dwelling Units. The maximum number of dwelling units permitted for a particular MUPD project shall be calculated by multiplying the total area devoted to each dwelling unit type, as identified and delineated on the general development plan, by the maximum density per acre permitted above.
- C. Minimum Restricted Open Space. A minimum of 20 percent of the total project area of a proposed MUPD shall be devoted to restricted open space. Such areas shall be clearly designated on the development plan and shall comply with the following:
  1. Restricted open space shall be designed and located so as to conserve natural areas within the MUPD and provide (to the extent possible) pedestrian access to and views of the significant natural features of the Township, including but not limited to Springfield Lake.
    - a. No building or parking areas shall be permitted in the restricted open space.
    - b. Other common areas shall not be considered as part of the required open space including land fragments between two or more buildings and between buildings or parking areas; and required yards between project boundary lines and buildings or parking areas.
    - c. Restricted open space shall be connected with open space areas on abutting parcels.

- d. Appropriate public pedestrian and bicycle pathways providing access to public streets, restricted open space, and/or adjacent parcels shall be designated on the development plan and approved by the Zoning Commission.

D. Management and Maintenance of Open Space:

1. Restricted open space reserved as part of a MUPD shall be either:
  - a. Retained by the owners of the project area;
  - b. Dedicated to an owners' association that shall have title to the land to be retained as restricted open space; or,
  - c. Offered to the Township for public open space. The Township shall have the right not to accept any land area offered to the Township. In the event of such refusal, the conditions of either a. or b. above shall apply. Any land area that is accepted by the Township for dedication as public open space shall also continue to be counted toward the requirements for restricted open space.
2. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's legal advisor and duly recorded in the Office of the Recorder of Deeds of Summit County.
3. The legal articles relating to the ownership, management, public easements, if any, and maintenance of such restricted open space shall be reviewed and approved by the Township's legal advisor. The Township's legal advisor shall indicate such approval prior to the development plan being approved by the Zoning Commission.

**440.8 DEVELOPMENT STANDARDS.**

- A. Setbacks and Separations. Setbacks and separations for buildings, structures and parking areas shall be as established on the approved final development plan. In establishing said setbacks and separations for particular use areas within a MUPD, the Township 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 case shall the approved setbacks and/or separations be less than, and when specified, not more than, the following:
  1. Minimum and Maximum Building Setbacks from Project Boundaries and Streets: All buildings and structures shall comply with the minimum and maximum setbacks specified in Table 440.8A.1.

Table 440.8.A.1

	Neighborhood Center	Residential Neighborhood
a. Minimum Setback of Buildings from Project Boundaries <sup>(a)</sup>	40 feet	40 feet
b. Minimum Setback of Buildings from Existing Public Street Rights-of-Way dedicated as of the date the MUPD general development plan application is submitted	40 feet	40 feet
c. Setback of Buildings from proposed public street Right-of-Ways within the MUPD		
1) Minimum	5 feet	5 feet
2) Maximum	20 feet	30 feet
<p>Note:  <sup>(a)</sup> See Section 440.8C for garage setback.</p>		

2. Minimum Separation Between Buildings: In order to ensure reasonable privacy and separation of buildings, individual buildings located within the MUPD shall be separated by the minimum distances specified below:
  - a. Single-family detached dwellings: All single-family detached dwelling units shall be separated from each other by a minimum of 15 feet, except that when two walls facing each other both contain windows of living areas, or adjacent patios or decks, the minimum separation shall be 40 feet. For the purposes of this Section, living areas shall include: living room, family room or dining room.
  - b. Single-family detached dwellings adjacent to other uses: The minimum separation between single-family detached dwelling units shall be 40 feet from attached single-family dwellings and 60 feet from all other buildings.
  - c. All attached single-family dwellings, multi-family dwellings, and non-residential buildings: Between two walls facing each other, the distance between two such walls shall be a minimum of 20 feet plus one foot of additional separation for every two feet of building wall overlap greater than 40 feet. The maximum separation required shall not exceed 60 feet when neither of the two walls contains windows and 100 feet when one or both walls contain windows.

- B. Building Height: The maximum height of any principal building shall be 35 feet unless a greater height is specifically authorized by the Zoning Commission.
- C. Parking and Roadway Setbacks: Off-street parking areas and roadways shall be screened according to Section 530.6 and shall comply with the following setback requirements:
  - 1. Off-street parking areas shall be located to the side or rear of buildings and shall not extend into a front yard.
  - 2. All off-street parking areas shall be set back from an existing or proposed right-of-way a distance not less than 20 feet.
  - 3. All off-street parking areas and roadways shall be set back from all other boundaries of the MUPD project a distance not less than 20 feet.
- D. Ownership: Any ownership arrangement, including fee simple lots, condominiums, and zero lot line parcels, is permitted in a residential development proposed as part of a MUPD provided the arrangement of the dwelling units shall comply with the spacing requirements of this section. Within any such subplot, the applicant shall depict the maximum parameters, or building envelope, which indicates where the buildings shall be located and demonstrate that such building locations will be in compliance with the spacing requirements of this section. Alternatively, if such building locations are not depicted on any such sublots, the Zoning Commission may establish on the development plan the appropriate front, side, and rear yard dimensions for each subplot.

#### **440.9 SUPPLEMENTAL REQUIREMENTS.**

Each proposed MUPD shall comply with the following supplemental requirements:

- A. The Neighborhood Center shall be easily accessible by pedestrians from all parts of the Residential Neighborhoods.
- B. Each MUPD shall be served by an approved public water supply system and an approved public sanitary sewer system.
- C. Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys.
- D. The vehicular circulation system shall be designed to ensure that the entire MUPD is a cohesive development, and to promote inter-connection among individual projects. The Zoning Commission may consider private streets, however, all streets, whether public or private, shall comply with the construction standards set forth in the Summit County Subdivision Regulations.

- E. All activities except off-street parking, accessory recreation, and refuse storage shall be conducted in completely enclosed buildings.
- F. All proposed developments, in addition to the requirements specified in Section 530, shall provide and maintain the following landscaping, screening, and privacy requirements:
  - 1. Screening through the use of walls, fences, and/or landscaping shall be provided to minimize potential incompatibility between contrasting uses within a MUPD.
  - 2. All open areas, including required yards, shall be landscaped according to an approved landscape plan. All pervious areas of the MUPD shall be permanently protected from soil erosion with grass or other suitable ground cover.
  - 3. Dwelling units shall be grouped or clustered to maximize privacy and preservation of open space.
- G. General performance standards - See Section 580.7.
- H. The Zoning Commission may impose additional conditions on uses to ensure the uses are consistent with the intent of these regulations.

**440.10 OWNERS ASSOCIATIONS.**

As part of a MUPD, a homeowners 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, including the required restricted open space.

- A. The Township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
  - 1. Membership in the Association shall be mandatory for all purchasers of units in the development.
  - 2. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.
- B. Common areas and restricted open spaces shall be prohibited from further development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's legal advisor.
- C. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of seventy-five (75% percent of its members, (ii) having established a successor entity to take over said property pursuant to the Township's zoning resolution; and (iii) the approval of the Township Board of Trustees. In such cases, all permanent development restrictions shall remain.

D. The Association shall convey to the Township Trustees and other appropriate governmental bodies, after proper notice, the right of entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

**440.11 PHASED DEVELOPMENT.**

For a MUPD that is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. Restricted open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

**440.12 WAIVERS.**

Waivers may be granted by the Township Zoning Commission only when it determines that certain standards set forth in this Section do not or should not apply specifically to the circumstances of a particular project and when the alternative method proposed to achieve the objectives of the numerical standard is equal to or better than the strict application of the specified standard. The Township Zoning Commission may modify such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

A waiver shall only be considered and approved by the Zoning Commission during the review and approval procedures for a development plan.

**440.13 DEVELOPMENT PLAN REVIEW.**

A. The establishment of a MUPD district requires that the following steps shall be completed concurrently:

1. Application for zoning map amendment is submitted, pursuant to Section 750.
2. Application for review of the general development plan, pursuant to Section 720.

B. Additional development requirements, whether standards or criteria, formulated to achieve the objectives of the MUPD District may be established during the Zoning Commission's review of the General Development Plan. Any such development requirements adopted with such plan shall become binding land use requirements for the proposed development.

- C. After a General Development Plan is approved for a MUPD project, the applicant shall prepare and submit a Final Development Plan for either all or a phase of the development.
- D. After approval of the Final Development Plan has been obtained from the Zoning Commission and, as set forth in Section 720, a Zoning Certificate may be obtained.