

**REGULAR COUNCIL MEETING
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO
TO BE HELD ON TUESDAY AUGUST 19, 2025
7:30 P.M.**

- A. ROLL CALL OF MEMBERS**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF MINUTES OF PRECEDING MEETINGS:**
 - 1. CAUCUS PRIOR TO MEETING MINUTES HELD ON JUNE 3, 2025.
 - 2. REGULAR COUNCIL MEETING MINUTES HELD ON JUNE 3, 2025.
 - 3. CAUCUS PRIOR TO MEETING MINUTES HELD ON JUNE 17, 2025.
 - 4. REGULAR COUNCIL MEETING MINUTES HELD ON JUNE 17, 2025.
- D. REPORTS OF STANDING COMMITTEES:**
 - Aviation & Environmental Committee - Dufour
 - Board of Zoning Appeals - Mencini
 - Finance Committee - Scott
 - Legislative Committee - Scott
 - Parks & Recreation Committee - Mccorkle
 - Planning Committee - Poindexter
 - Safety Committee - Troyer
 - Service Committee - Roberts
- E. REPORTS OF SPECIAL COMMITTEES:**
 - Southwest General Health Center Trustee - Mencini
 - Berea Board of Education Representative - Mccorkle
 - Technology & Innovation Council Representative -Dufour
- F. REPORTS OF BOARDS AND COMMISSIONS:**
- G. INTRODUCTION OF RESOLUTIONS OF COMMENDATION:**
- H. REPORTS AND COMMUNICATIONS FROM THE MAYOR:**
- I. REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,
COMMISSIONS, AND OTHER PUBLIC OFFICIALS:**
- J. OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL APPROVAL:
{INTRODUCTION OF NEW LEGISLATION}:**

K. MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:

L. REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:

M. ORDINANCES AND RESOLUTIONS FIRST READING:

N. SECOND READING OF ORDINANCES AND RESOLUTIONS:

1. ORD. NO. 11478-2025

AN ORDINANCE ENACTING CHAPTER 1128 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'PLANNED UNIT DEVELOPMENT DISTRICT'.

O. THIRD READING OF ORDINANCES AND RESOLUTIONS:

P. ADJOURNMENT:

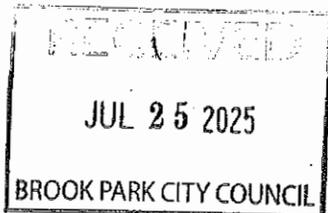
SYNOPSIS OF LEGISLATION
FOR THE REGULAR COUNCIL MEETING OF AUGUST 19, 2025

SECOND READING:

Ord. No. 11478-2025 AN ORDINANCE ENACTING CHAPTER 1128 OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED 'PLANNED UNIT DEVELOPMENT DISTRICT'

SYNOPSIS: An ordinance authorizing the Planning Commission's approval of the rezoning and establishment of Chapter 1128 for the new domed stadium project.

PREPARED BY THE BROOK PARK LEGAL DEPARTMENT
July 25, 2025



P/C _____
CA SP 7/21/25
1st R 7/21/25
2nd R 8/19/25
3rd R _____
S/C _____

CITY OF BROOK PARK, OHIO

ORDINANCE NO: 11478-2025

**INTRODUCED BY: COUNCILMEMBERS MENCINI, ROBERTS, SCOTT, DUFOUR, McCORKLE,
POINDEXTER AND COUNCIL PRESIDENT SALVATORE**

**AN ORDINANCE
ENACTING CHAPTER 1128
OF THE BROOK PARK CODIFIED ORDINANCES, ENTITLED
'PLANNED UNIT DEVELOPMENT DISTRICT'**

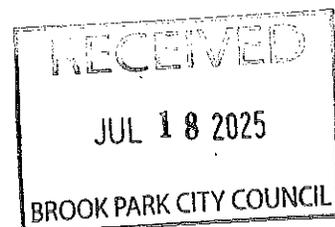
WHEREAS, the planning commission met on July 8, 2025 regarding the rezoning of 343-02-003, 342-07-002, and 342-18-005, and approved the proposed planned unit development district and the rezoning.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Brook Park, State of Ohio, that:

SECTION 1: That Chapter 1128 of the Brook Park Codified Ordinances, entitled "Planned Unit Development District" is hereby enacted to read as follows:

**CHAPTER 1128
Planned Unit Development District**

- 1128.01 Planned Unit Development.**
- 1128.02 Intent.**
- 1128.03 Permitted Uses.**
- 1128.04 Prohibited Uses.**
- 1128.05 PUD Planning Guidelines.**
- 1128.06 Building Height Limitations.**
- 1128.07 Signs.**
- 1128.08 Design Standards.**
- 1128.09 Preliminary Development Plan.**
- 1128.10 Final Development Plan.**
- 1128.11 PUD plan modification procedure.**



1128.12 Appeals, Modifications, and Miscellaneous.

1128.01 PLANNED UNIT DEVELOPMENT.

- (a) Establishment of PUD District. The PUD District is hereby established for and applied to the area described on [Exhibit A] attached to Ordinance [], passed [], and incorporated herein by reference as if fully set forth herein.
- (b) Definitions. For the purposes of this Chapter 1128, the following definitions shall apply:
1. "PUD District" shall mean a Planned Unit Development District, established in accordance with the terms and conditions of this Chapter 1128.
 2. "Preliminary Development Plan" shall mean a preliminary development plan reflecting the conceptual master plan for all or any portion of the PUD District.
 3. "Final Development Plan" shall mean a final development plan for all or any portion of the Preliminary Development Plan reflecting the confirmed location, use, density and height of buildings, access drives, plazas and public spaces, parking areas, landscaping, and the other information required under this Chapter 1128.
 4. "Sports Facility" shall mean any stadium, arena, sports complex, forum or dome and all architectural features or improvements attached thereto or forming an integral part thereof, including, parking facilities, public plaza areas and improvements, security and media facilities and other associated improvements, and any stadium-related retail or commercial use improvements approved by the Planning Commission; but excluding any mixed-use development such as retail, residential, hotel, and office and parking uses unrelated to the stadium.
 5. "Project" shall mean any phase of development pursuant to the Final Development Plan.
 6. "Zoning Ordinance" shall mean Chapters 1121-1128 of the Brook Park Codified Ordinances

1128.02 INTENT.

The purpose of the PUD District is to promote innovative, creative, and efficient land development designs that may not be feasible under existing Brook Park Building and Zoning guidelines and standards. This objective is achieved by permitting a mixture of allowed and complementary uses and/or allowing modifications or variations from otherwise applicable guidelines and standards.

In exchange for this flexibility, the PUD District is expected to deliver a high-quality sports entertainment district, featuring creative designs in building layouts, open spaces, and circulation and providing greater efficiency in the layout and provision of roads, utilities, and other infrastructure features.

Due to the large scale and complex nature of the PUD District, this Chapter 1128 acknowledges that the development of infrastructure and improvements may occur in multiple parts or phases over many years. During this time, the initial approvals and rights will remain in full force and effect, subject to the terms and conditions outlined in this Chapter 1128.

In the event of a conflict between the provisions contained in this Chapter or approvals granted under this Chapter and other provisions in the Codified Ordinances of The City of Brook Park or approvals required thereunder, the provisions, regulations and approvals within, and provided under, this Chapter shall take precedence and shall govern and control.

1128.03 PERMITTED USES.

- (a) Any land use or combination of uses may be considered for inclusion in the PUD District, except as provided in Section 1128.04. Without limiting the generality of the foregoing, any property located in the PUD District may be used, in whole or in part, for any combination of the following uses and purposes: (i) a Sports Facility and all uses and purposes ancillary thereto; (ii) commercial, restaurant and retail, hotel, hospitality, entertainment, health care, hospital, residential, office, warehouse, governmental, and public; (iii) any land use currently permitted under the following Use Districts: Class U-1 Use District, Class U-2 Use District, Class U-3 Use District, Class U-3A Use District, Class U-3B Use District, Class U-3C Use District, Class U-3D Use District, Class U-4 Use District, Class U-5A Use District, Class U-5B Use District, Class U-5C Use District and Class U-6 Use District; (iv) uses not permitted in this Section and not prohibited by Section 1128.04, only after issuance of a Conditional Use Permit therefor pursuant to Section 1121.34; and (v) any uses accessory thereto or compatible with all of the foregoing, all subject to the standards, restrictions and conditions of this Chapter 1128, and in accordance with the plan of uses per the approved Final Development Plan.
- (b) All buildings and uses proposed shall be designed, constructed, occupied and maintained as per the approved Final Development Plan in accordance with this Chapter 1128.

1128.04 PROHIBITED USES.

- (a) Adult entertainment businesses as defined in Section 1121.021 of this Zoning Ordinance shall be prohibited in the PUD District.
- (b) Smoke shops as defined in Section 1121.23(c) (1) (d) (1) shall be prohibited in the PUD District.

1128.05 PUD PLANNING GUIDELINES.

The following planning guidelines are established to guide the planning, development and use of the land in a PUD District:

- (a) The proposed uses shall be consistent with the planning goals, policies, objectives, and standards provided in this Chapter 1128.
- (b) Building arrangements shall encourage variety in the bulk and shape of the buildings, open space and landscape features. The structures may be arranged in various groups, courts or clusters with open spaces related to the buildings so as to provide privacy and form a unified composition of buildings and open spaces. While flexibility in design is encouraged, design standards shall be incorporated in the Final Development Plan.
- (c) Developments shall be designed to utilize the natural contours of the land, economize in the construction of utilities, reduce the amount of grading, and to maximize the conservation of trees and topsoil. Within the PUD District, permanent utility service including gas, electric, cable, and telephone shall be installed underground; provided, that high voltage electric transmission lines owned and maintained by a utility provider and providing electricity to the PUD District are excluded from this requirement and may be installed above ground. Water and sewers shall be installed in compliance with Chapter 1410 and Title Three of Parts Nine, Eleven and Thirteen of the Brook Park Codified Ordinances; provided, however, that nothing in this Section 1128.05(c) shall prevent the construction and operation of temporary above-ground utility services during development of the PUD District.
- (d) Storm water management basins, if required, shall be designed to be an integral part of the development. The storm water management plan shall be sufficient to meet Chapters 921, 922, and 1410 of the Brook Park Codified Ordinances.
- (e) The uses within the PUD District may be mixed within the district or within a single structure located in the PUD District.
- (f) Recognizing the physical characteristics of property in the PUD District, and the needs of a developer for flexibility, any project contemplated in a Preliminary Development Plan may be developed in multiple phases or parts over a period of years.
- (g) Any proposed development shall provide for adequate service of essential public services including water, sewer, gas, and electric.
- (h) Any proposed development shall provide how it will be adequately served by essential public road systems, and all internal streets and thoroughfares shall be suitable and adequate to carry anticipated traffic; and the development shall provide adequate and appropriate ingress and egress to public thoroughfares adjacent to the development.
- (i) The proposed development shall allow for safe and efficient pedestrian access within the development.

- (j) Adequate provision shall be made for the ownership and ongoing maintenance of designated public open spaces and buffer zones, as well as any private drives, pedestrian walkways, and storm water management facilities.
- (k) The proposed development shall provide a landscaping plan that complies with any applicable design standards and includes plans for interior parking areas, common areas, and perimeter buffer zone landscaping.
- (l) The proposed open space and public improvements to be publicly dedicated shall be constructed in accordance with applicable design standards and in a manner appropriate for public acceptance.
- (m) The proposed development shall provide for open spaces, potentially including pedestrian walkways and paths, outdoor dining areas, public plazas and gathering areas, public art or exhibitions, and other items for passive or active recreation uses.
- (n) It is intended that the terms and conditions of an approved Preliminary Development Plan or Final Development Plan (including the design standards that are a part of the approved plan) shall govern and control over any other provision of the Zoning Ordinance. Without limiting the generality of the foregoing, unless otherwise expressly provided in this Chapter 1128, (i) no features of any Project approved under a Preliminary Development Plan or Final Development Plan shall be limited or restricted by any other provisions of the Zoning Ordinance, (ii) the terms and conditions of an approved Preliminary Development Plan or Final Development Plan shall exclusively control all matters within the PUD District addressed therein, such as site layout (e.g. lot size, width, lot coverage, setbacks, buffer areas, open spaces, entrances and drives, sidewalks, circulation and similar matters), design and architectural standards, density, massing, landscaping, height, signage, parking and loading, storm drainage, utilities and equipment design and location, screening, fencing, noise and other similar or related features, and (iii) to the extent questions arise on any Project that concern the subject matter covered in an approved Preliminary Development plan or Final Development Plan, such questions shall be addressed under the terms and processes established in this Chapter 1128, including, as needed, minor or major modifications, rather than by referring the matter to superseded provisions of the Zoning Ordinance.

1128.06 BUILDING HEIGHT LIMITATIONS.

- (a) The height of any building in a PUD District shall satisfy applicable fire and safety regulations.
- (b) The height limits established shall not exceed those limits that are set by the Federal Aviation Administration unless a variance is permitted by the Federal Aviation Administration.

1128.07 SIGNS.

Any signs shall be approved as part of the approval of the Preliminary Development Plan or Final Development Plan Approval, subject to any modifications approved in accordance with Section 1128.11 below, and subject to any applicable design standards created pursuant to Section 1128.08.

1128.08 DESIGN STANDARDS.

- (a) Establishment of Designs Standards. Design standards shall be established through the Preliminary Development Plan and Final Development Plan process. The design standards shall include, but are not limited to, architectural character and buildings massing, exterior finish materials of buildings, basic design of streets, street furniture and fixtures, street lighting, standards for all street and exterior building signage, general landscaping design, sidewalk and pedestrian plaza design criteria. Except for those specifically applicable to this PUD District, no other design standards and/or guidelines in the Codified Ordinances shall be applicable to the PUD District, provided that standards regarding public streets and public services must be in accordance with Part 9, Chapters 901-942 of Brook Park Codified Ordinances.
- (b) Pre-Application Process. Prior to preparing or submitting a complete application for a Preliminary Development Plan pursuant to Section 1128.09, an applicant should meet with the Building Commissioners and/or other administering officials designated by the City to present the concept of the proposed development and to discuss the purpose, intent, objective, scope and requirements of this Chapter 1128 and the standards for development plan approval.
- (c) Application Process. An applicant for approval of a Preliminary Development Plan shall file an application on a form or forms provided by the City. The applicant shall include evidence of the authority to file the Preliminary Development Plan. The applicant shall include the information required for a Preliminary Development Plan as set forth in Section 1128.09.

1128.09 PRELIMINARY DEVELOPMENT PLAN.

- (a) Review of Preliminary Development Plan. Within forty-five (45) days after receipt of the application and Preliminary Development Plan, the Planning Commission shall either approve, approve with conditions, or deny the Preliminary Development Plan for the proposed PUD District. The Planning Commission shall prepare a report and recommendation on matters of conditional use permits, rezoning, lot split/consolidation, antennas, and cell towers and deliver it to the Clerk of City Council within forty-five (45) days of Planning Commission approval. Within thirty (30) days following receipt of the report and recommendation of the Planning Commission, City Council shall review and

consider such report and recommendation and take final action by either approving, approving with conditions, or disapproving the items in said report and recommendation.

- (b) Preliminary Activity. No construction activity, including tree/vegetation removal or grading, on property in the PUD District shall be permitted until a Preliminary Development Plan for such property has been approved in accordance with this Chapter, except that tree/vegetation removal, demolition, grading, site preparation and remediation and utility installation and/or relocation may be permitted upon approval of the Building Commissioner, City Engineer, and City Fire Prevention and in compliance with applicable provisions of the Brook Park Codified Ordinances.
- (c) Preliminary Development Plan Contents. The applicant shall present evidence of authority to present the Preliminary Development Plan. An application for approval of a Preliminary Development Plan shall include the following information and shall be accompanied by the required fee:
- (1) A narrative description of the proposal including how the development contemplated by such Preliminary Development Plan is consistent with this Chapter and shall specifically set forth preliminary information concerning the anticipated plan for proceeding with the development in phases, or developing the area covered by the Plan, in phases.
 - (2) A conceptual master site plan for the area included within the Preliminary Development Plan identifying the following: proposed building footprints, uses and height; public and private roads and drives; parks; plaza development structures; plaza aesthetics; open spaces; landscape plans; parking structures and parking areas; and any adjacent or included public transit facilities.
 - (3) The design standards relating to the buildings and other structures located within the Preliminary Development Plan area.
 - (4) Building and way-finding signage design standards.
 - (5) The amount of land area intended to be dedicated for each type of land use shall be indicated. Calculations of planned density and open space area shall be indicated. A table summarizing the various uses contemplated by the Preliminary Development Plan and the maximum permitted density and square footage of each such use within the Preliminary Development Plan area.
 - (6) Location of all existing structures, if any, located within the Preliminary Development Plan area as of the application date, and within twenty-five (25) feet of the boundary of the proposed Preliminary Development Plan area.
 - (7) Location of existing and proposed public and private streets, parking, pedestrian walkways, storm water management facilities and storm/sanitary sewer, water and

other utility lines and facilities where such lines and facilities first enter the Preliminary Development Plan area.

- (8) Approximate location of preliminary open space areas, including calculation of the area of such open space.
 - (9) A delineation of all known wetlands within the Preliminary Development Plan area.
 - (10) A traffic study relating to the Preliminary Development Plan area.
 - (11) A topographic survey and engineering drawings of the area included in the Preliminary Development Plan.
 - (12) Existing parcels contained within the Preliminary Development Plan area.
 - (13) Preliminary plan of interior open space, including calculation of the area of such open space.
 - (14) The plan for minimum peripheral setbacks and buffer zones around the perimeter of the Preliminary Development Plan area.
 - (15) Contact information and proof of ownership or of a contract, option or agreement showing control of the property.
 - (16) Location, type and size of any easements, covenants, deed restrictions and other restrictions proposed or recorded.
 - (17) Any other documents requested by the Building Commissioner, Engineer, and Fire Department including but not limited to the previously listed items.
- (d) Expiration. The approval of a Preliminary Development Plan shall expire if a Final Development Plan has not been submitted, for any phase of the Preliminary Development Plan, consistent with the requirements of Section 1128.10 prior to the fifth (5th) anniversary of the date of approval of the Preliminary Development Plan. This period may be extended for up to twenty-four (24) calendar months by the Planning Commission, after an extension request has been submitted and approved by the Planning Commission. If at the end of the above referenced five (5)-year period, as the same may be extended, a Final Development Plan has not been submitted for any phase of the development, then the approval of the Preliminary Development Plan shall expire and shall be of no effect unless resubmitted and approved in accordance with the previous provisions of this Section 1128.09.
- (e) Appeals. A denial of the Preliminary Development Plan by the Planning Commission may be appealed to City Council by written notice within thirty (30) days of the date such denial was issued. Unless extended by mutual agreement of the applicant and City Council, City Council shall hold a hearing on the appeal within thirty (30) days of receipt of written

notice of appeal and will issue a decision within thirty (30) days of the hearing affirming or reversing the denial. Any decision by City Council shall be a final appealable order, and the appealing party may seek judicial review of such administrative action in a court of competent jurisdiction.

1128.10 FINAL DEVELOPMENT PLAN.

- (a) Submission of Final Development Plan. After approval of the Preliminary Development Plan, a Final Development Plan shall be submitted to the Planning Commission. The Final Development Plan shall be in substantial conformance with the Preliminary Development Plan, including all the information as set forth in Section 1128.09, and shall comply with the following:
- (1) All the conditions imposed by the Planning Commission in the approval of such Preliminary Development Plan.
 - (2) All applicable design standards.
 - (3) All deed restrictions, dedications and covenants contemplated by the terms and conditions of the Final Development Plan are in acceptable form.
- (b) Review of Final Development Plan. The Planning Commission shall review the Final Development Plan and may make recommendations and conditions as to the placement and design of buildings, location of streets and driveways, amount and type of buffering, landscaping, lighting, and signs; provided, however, that the scope of any such review by the Planning Commission shall be limited to ensuring substantial conformance with the applicable Preliminary Development Plan. Within sixty (60) days of receipt of the Final Development Plan, the Planning Commission shall determine whether the Final Development substantially conforms to the applicable Preliminary Development Plan, and if so, approve the Final Development Plan. If the Final Development Plan is not in substantial conformance with the Preliminary Development Plan, then the Planning Commission may either approve or disapprove of the Final Development Plan, or request the applicant revise the Final Development Plan in conformance with the foregoing.
- (c) Phases. A Final Development Plan shall be submitted and approved prior to the application for building permits. The Final Development Plan may be phased for portions of the development. Each phase of development shall contain all necessary improvements to support that phase including but not limited to: storm water management, retention, access, fire protection, parking, lighting, landscaping, buffering and required trees. Each phase shall also comply with all other codes and ordinances of the City to the extent not inconsistent with the specific terms contained in this Chapter of the Brook Park Codified Ordinances.
- (d) Final Development Plan Contents. The following additional information, to the extent not previously provided in the application for approval of the Preliminary Development Plan, shall be submitted with the Final Development Plan:

- (1) Proposed parcels contained within the Final Development Plan area, including proposed parcel boundary lines, area dimensions, and parcel numbers to the extent available.
 - (2) Architectural plans for the proposed development showing project design, exterior elevations and building floor plans, and site construction materials, prepared and certified by a professional engineer, architect or surveyor.
 - (3) Verification of availability of all utilities, including water, sanitary sewer, gas, and electric.
 - (4) Final storm water management plan as part of a finish grading plan, and the location of all storm/sanitary sewers, water and other utilities including fire hydrants.
 - (5) General lighting plan for streets, parking areas and outside activity and/or storage areas, including the location, intensity, direction and shielding of outdoor lighting.
 - (6) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles.
 - (7) Landscape plan, with particular emphasis on perimeter buffer landscaping, park and open space landscaping, and parking area landscaping.
 - (8) Any applicable design standards, including but not limited to the following: (A) the location, size, height and arrangement of all proposed buildings and computations showing height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage of proposed and existing buildings which will remain, if any; (B) the number and size of dwelling units and the number of bedrooms in residential uses; (C) building separations and setbacks; and (D) a summary table analyzing the amount of common open space proposed within the Final Development Plan area, with a designation of any land intended to be publicly dedicated.
 - (9) Location, type and size of any easements, covenants, deed restrictions and other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
 - (10) Location, height, size and arrangement of all outdoor signs.
 - (11) A soil erosion control plan for the period of project construction.
 - (12) Any other additional information deemed necessary by the Building Commissioner, Planning Commission, City Engineer, or other authorized official.
- (e) Binding Effect of Approved Final Development Plan. An approved Final Development Plan shall become a binding commitment as to the specific elements approved for development, and shall be binding on the owner, and its successors and assigns.

- (f) Concurrent Submissions. Notwithstanding any provision of this Chapter 1128 to the contrary, a Final Development Plan, or any element thereof, may be submitted concurrently with a Preliminary Development Plan for any phase of any Project, thereby eliminating duplicative review and approval under this Chapter 1128.
- (g) Appeals. A denial of the Final Development Plan by the Planning Commission may be appealed to City Council by written notice within thirty (30) days of the date such denial was issued. Unless extended by mutual agreement of the applicant and City Council, City Council shall hold a hearing on the appeal within thirty (30) days of receipt of written notice of appeal and will issue a decision within thirty (30) days of the hearing affirming or reversing the denial. Any decision by City Council shall be a final appealable order, and the appealing party may seek judicial review of such administrative action in a court of competent jurisdiction.

1128.11 PUD PLAN MODIFICATION PROCEDURE.

- (a) Modification to an Approved Preliminary Development Plan or Final Development Plan. Before or during the development of any Project, it may become apparent that certain elements of an approved Preliminary Development Plan or Final Development Plan are not feasible and are in need of modification. These plan modification requirements shall apply to both an approved Preliminary Development Plan and an approved Final Development Plan. An applicant must submit the revised Preliminary Development Plan or Final Development Plan to the Building Commissioner following the procedure set forth in this Section 1128.11.
 - 1. Minor PUD Plan Modification. The Building Commissioner or another official authorized by City Council shall review the request for plan modification and may authorize the following types of modifications: (i) modifications necessary to overcome a particular project impediment or challenge, or to achieve a more functional and desirable use of the property than was initially anticipated; or (ii) any other modifications that are not inconsistent with the applicable Preliminary Development Plan. Such modifications may become necessary, by way of example, on account of field conditions, receipt of more detailed engineering data, or unusual topographical conditions, refinement of critical design criteria, or market driven relocation of approved use areas. Such modifications may also be authorized to: (A) adjust the final size and location of buildings and utility facilities, including without limitation drainage ways, detention basins and sewers, as well as circulation elements, retaining walls, landscaping, signage and similar features; (B) substitute landscape and/or building materials; (C) implement structural dimensional changes; or (D) make adjustments to square footages and densities not inconsistent with the use and building coverage criteria set forth in the applicable Preliminary Development Plan.
 - 2. Major PUD Plan Modification. If the Building Commissioner determines that the requested modification is major, then the Building Commissioner shall refer the

modification to Planning Commission for review and consideration according to the procedures and criteria outlined herein for approval of a Preliminary Development Plan. Major plan modifications shall only be reviewed by Planning Commission and are not subject to review by City Council unless a denial by Planning Commission is appealed in accordance with Section 1128.09(e).

1128.12 APPEALS, MODIFICATIONS, AND MISCELLANEOUS.

- (a) Appeal of Decision of Building Commissioner or Other Authorized Official. Any party aggrieved by an administrative decision of the Building Commissioner or other authorized officer may appeal the decision to the Board of Zoning Appeals by written notice within thirty days of the date such decision was issued. Unless the appealing party requires a longer period, the Board of Zoning Appeals must hold a hearing on the appeal within thirty (30) days of receipt of written notice of appeal and must issue a decision affirming or reversing the denial within thirty (30) days after the hearing.
- (b) Appeal of Decision of City Council. Any decision by City Council shall be a final appealable order, and the appealing party may seek prompt judicial review of such administrative action in a court of competent jurisdiction.
- (c) Sports Facility. Notwithstanding any provision to the contrary contained in this Chapter 1128 or the Brook Park Code of Ordinances, but excepting storm/sanitary water management, in consideration of the unique program for the design, development and construction of a Sports Facility in the PUD District, no element of a Preliminary Development Plan or Final Development Plan pertaining to the design, development or construction of a Sports Facility shall be subject to approval by the Planning Commission or City Council or the Building Commissioner, but shall be submitted to the Planning Commission for review of design aesthetics only and to provide non-binding, advisory review and comment pursuant to Sections 1128.09 and 1128.10.
- (d) Exceptions. A request for an approval of an exception, variance or deviation from the requirements of this Chapter 1128 shall be submitted to the Board of Zoning Appeals and reviewed consistent with Section 1121.20 of this Zoning Ordinance.
- (e) Amendments to this Chapter. No subsequent change or amendment to this Chapter or any other governing ordinance shall be applied to affect adversely the right of the applicant to proceed with any aspect of a Preliminary Development Plan or Final Development Plan which has been previously approved pursuant to this Chapter.
- (f) Fees. All fees shall be paid as set forth in the Brook Park Codified Ordinance fee schedules.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in

meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: This Ordinance is hereby necessary for the preservation of the public peace, health, safety and welfare of said City, and for the further reason to create a planned unit development district within our City; therefore, this Ordinance shall take effect and be in force immediately from and after its passage and approval by the Mayor.

PASSED: _____

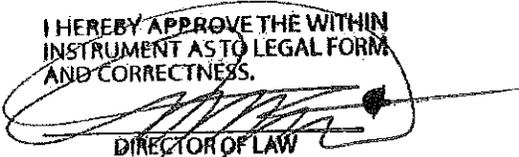
PRESIDENT OF COUNCIL

ATTEST: _____
Clerk of Council

APPROVED: _____
MAYOR

DATE

I HEREBY APPROVE THE WITHIN
INSTRUMENT AS TO LEGAL FORM
AND CORRECTNESS.


DIRECTOR OF LAW