

Section 13: Planned Unit Development

13.1 Intent

This Section is intended to permit the creation of Planned Development Districts. This district has been established for the purpose of preserving agricultural land, natural areas and the open space character of the township by more efficient allocation of private lots, common grounds, and greater efficiency in providing public and utility services. Such regulations need not be uniform, but may vary and shall promote the public health, safety and welfare.

13.2 **USES, STANDARDS AND CONDITIONS**

1. USES PERMITTED

A. Uses permitted are found in Section 6, R-1A

2. DEVELOPMENT STANDARDS

A. A planned unit development shall meet those established setback requirements, minimum lot or open space, height regulations, minimum rear and minimum side yard of the abutting zone on the perimeter buildings of the project. However, "R-1A" district standards shall be observed as a minimum on perimeter buildings and parcels. Structures built on the interior of the project shall have flexibility as to layout and minimum lot size shall be determined at the time of the negotiations, however, the maximum density of Section 6 shall apply.

B. Minimum lot size shall be one-half acre. Maximum density shall be 3 acres per dwelling unit after open space and streets are deducted from the gross development.

C. The final development plan required by Section 13, Planned Development, shall be prepared in conformance with the above and in conformance with the Section 4, General Provisions.

D. Open Space Requirements: Open space shall be a minimum of fifty-five (55) percent of the land area and shall not be used or occupied by automotive vehicles. Such space shall be reserved for landscaping or agricultural use.

E. Accessory uses are permitted as defined in Section 2.201.

3. REQUIRED CONDITIONS

- A. The regulations of any "PD" District shall be uniform throughout. The regulations of this code shall apply to any "PD" District unless changes are specified.
- B. The regulations of said "PD District" shall be finalized by the Board of Township Trustees at the time the district is established and, except as otherwise permitted in this section, shall be equal to the following:
 - 1. Insofar as practicable the regulations of the most restrictive district adjoining the proposed "PD" District, and;
 - 2. Any other more restrictive regulations which in the opinion of the Board of Township Trustees should apply.

4. PARKING AND LOADING

- A. Off-street parking and loading spaces shall be required as set forth under the General Provisions and Section 14.12 Off-Street Parking and Loading Areas.

13.3 Criteria for Planned Development Approval

The Township Trustees shall not approve an application for a Planned Development District unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, which support conclusions that:

- 1. The proposed development shall be consistent in all respects with the Comprehensive Land Use Plan for Miami Township
- 2. The development shall be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- 3. The site shall be accessible from public roads that are adequate to carry traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development.
- 4. The proposed development is recommended to be located where public utilities are available. The size of the development will not impose an undue burden on public services and facilities such as, but not limited to, fire and police protection, the school system, and transportation network.

5. The Development Plan contains such proposed covenants, easements and other provisions relating to the proposed development's standards, as are reasonably required to promote public health, safety and welfare.
6. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and designed to preserve prime, agricultural land. Open space shall be landscaped or used for agriculture.

13.4 Pre-Application Consultation

A developer is encouraged to engage in informal consultations with the Zoning Inspector, Regional Planning and Coordinating Commission (RPCC) staff, County Engineer, Greene Count Soil and Water Department, and Utilities Provider prior to the Filing of any application; however, no statement or representation by such person shall be binding on either the Zoning Commission or the Township Trustees.

13.5 Developer's Options

A. The Developer shall have the following options:

1. Submission of a Pre-Development Plan, processed in the manner hereinafter set forth, and the subsequent submission of a Final Development Plan for any portion of the approved Pre-Development Plan the Developer desires to develop, or
2. Submission of a Final Development Plan without a Pre-Development Plan, and Processed in the manner as hereinafter provided for.

B. No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is elected by a Developer.

C. No use shall be established or changed and no structure shall be constructed in any portion of a Planned Development until the final subdivision plat for that portion has been approved by the RPCC and recorded in compliance with the requirements of the Subdivision Regulations for Greene County. Such plat shall show or include the following:

- 1) Site arrangement, water, sewer/streets, and other public utilities and/or facilities; land to be publicly or commonly owned and maintained.

- 2) Deed restrictions, protective covenants and other legal statements or devices to be used to control use, development and maintenance, and shall be consistent with the approved Final Development Plan.
- 3) An adequate plan for water drainage on both the proposed site and all adjacent properties.

13.6 Submission of Pre-Development Plan

Eighteen (18) copies of a Pre-Development Plan and one (1) 8 1/2" x 11" copy of the Pre-Development Plan shall be submitted with the application and shall include in text and map form:

1. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
2. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and amount of buildable areas within each lot. Included on this site plan, the location and arrangement of the proposed, parks, playgrounds, school sites, recreational facilities, and the points of ingress and egress of the Development including access to streets where required.
3. Evidence that the applicant has sufficient control over the tract to complete the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed "PD" District Development.
4. A statement identifying density of the units in the development
5. A statement describing the provision that is to be made for the care and maintenance of open space or recreational facilities, and
6. Any other information required by the Zoning Commission or Trustees.

13.7 Procedure for Approval of Pre-Development Plan

1. The Township staff or designee shall study the material received and confer with other agencies of government as appropriate in the case, to determine general acceptability of the proposal submitted. At a minimum, township staff will consult with the County Engineer, Sanitary Engineer and Planning Commission staff.

2. The Zoning Commission, per this Resolution, shall hold a public hearing on the proposed Pre-Development Plan.
3. The recommendations of the Zoning Commission to the applicant shall be in writing and following and such public hearing, agreements between the applicant and the Zoning Commission as to changes in the Pre-Development Plan and report or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at a public meeting. On items on which no agreement is reached, or there is specific disagreement, this fact shall be recorded, and the applicant may place in the record his reasons for any disagreement.
4. When the Pre-Development Plan and report have been approved in principle (as whole or with reservations duly noted), or when the applicant indicates in writing that no further negotiations with the Zoning Commission are desired before proceeding, the Commission shall, within thirty (30) days, make it's recommendations to the Township Trustees. Such recommendations shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Pre-Development Plan and report submitted by the applicant, a record of agreements reached and matters on which there arena specific agreements, including and reasons recorded by the applicant for any such disagreement.

13.8 Action by the Township

The Township Trustees shall hold a public hearing on the Pre-Development Plan as provided for in this Resolution. If the application is granted, the area of land involved shall be rezoned as a "PD-R" district by resolution and such resolution shall incorporate the Pre-Development Plan, including any conditions or restrictions that may be imposed by the Township Trustees.

13.9 Submission of Final Development Plan in Accordance with an Approved Pre-Development Plan

A Final Development Plan may be filed for any portion of an approved Pre-Development Plan the applicant wished to develop and it shall conform to the approved Pre-Development Plan. The filing fee shall be the same as that required for a change in Zoning District. Eighteen (18) copies of the Final Development Plan and one (1) 8 1/2" x 11" copy of the Final Development Plan shall be submitted and shall include in text and map form:

1. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the

development, landscaping, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.

2. A statement of the density, the proposed total gross floor area, and the percentage of the development, which is to be occupied by structures.
3. Sketches of the proposed structures.
4. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty (20) percent the density of the entire Planned Development. When a Planned Development provides for common open space, the Total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stage or units completed or under development bear to the entire Planned Development.
5. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
6. In addition to the final site plan, in the case of a Business or Industrial Planned Development, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.
7. When a Planned Development includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
8. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
9. Any other information required by the Trustees.

13.10 Procedure for Approval of Final Development Plan with Approved Pre-Development Plan

1. The Township staff or designee shall study the material received, and confer with other agencies of government as appropriate in the case, to determine general acceptability and conformance to approve Pre-Development Plan.
2. The Zoning Commission shall hold a public meeting on the proposed Final Development Plan. All property owners within five hundred (500) feet of the project shall be notified.
3. The recommendations of the Zoning Commission to the applicant shall be in writing. Agreements between the applicant and the Zoning Commission as to changes in the Final Development Plan and report or other matters shall be recorded and acknowledged by the Zoning Commission and the applicant at the public meeting.
4. Recommendations by the Zoning Commission shall indicate approval, approval with modifications, or disapproval. With such recommendations, the Commission shall transmit to the Township Trustees, and make available to the public, the latest draft of the Final Development Plan and report submitted by the applicant.
5. At a public meeting the Township Trustees shall evaluate the Zoning Commission's recommendation and Final Development Plan to consider all aspects thereof and determine whether or not it is in accord with the approved Pre-Development Plan. The Township Trustees shall disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. If the Plan is approved, the Plan shall be incorporated into the Zoning Resolution and that District for which the Plan is proposed, including any condition or restriction that may be imposed by the Township Trustees. Upon approval by the Township Trustees, the Final Development Plan will go into immediate effect.
6. Approval of a Final Development Plan as being in compliance with the standards of approval established under this section shall not be considered an amendment or supplement to the Township Zoning Resolution for the purpose of 519.12 of the ORC.

13.11 Submission of Final Development Plan Without an Approved Pre-Development Plan

The applicant need not file a Pre-Development Plan if a Final Development Plan is filed for the entire site incorporating all requirements of both the Pre and Final

Development Plans as described in the Section. The Final Development Plan shall be processed, noticed and heard in the manner prescribed herein. Eighteen (18) copies of the Final Development Plan and one (1) 8 1/2" x 11" copy of the Final Development Plan shall be submitted and shall include in text and map form:

1. A survey of the tract that is to be developed showing existing features of the property, including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
2. A site plan showing the location and arrangement of all existing and proposed structures, the proposed traffic circulation pattern within the Development, landscaping, the area to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.
3. A statement of the density of the various Residential uses within the development, when applicable, the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
4. Sketches of the proposed structures and landscaping.
5. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall have a density that exceeds by more than twenty (20) percent the density of the entire Planned Development. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
6. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed Development.
7. When a Planned Development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by laws of such entity shall be submitted.

8. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.
9. Any other information required by the Zoning Commission or Trustees.

13.12 Action by the Township Zoning Commission on a Single Stage Final Development Plan

The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by the Resolution. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages and/or units of development. The Zoning Commission shall prepare and transmit to the Township Trustees and to the applicant, specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in this Section and the District for which the change has been requested, together with its recommendations to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Zoning Commission may recommend disapproval, approval, approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.

13.13 Action by the Board of Township Trustees

The Township Trustees shall hold a public hearing on the Final Development Plan as provided by this Resolution. If the application is granted, the area of land involved shall be rezoned by resolution and such resolution shall incorporate the Plan, including any condition or restriction that may be imposed by the Township Trustees.

13.14 Extension of Time or Modification

An approved Pre-Development or Final Development Plan may be amended by following the procedures described in this Section. However, minor adjustment in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, building locations, and building configurations, parking area locations or other similar project particulars, may be authorized in writing by the Township Trustees. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to perimeter property lines. The Trustees shall approve, disapprove or modify all minor adjustments.