Article 7: Planned Unit Development (PUD)

7.01: Establishment of Planned Unit Development Types

The following types of PUDs are hereby established and may be proposed through a zoning map amendment:

A) "PUD-R" – Planned Residential Use - A planned unit development where the primary use of land is residential with the ability to include public, institutional, and recreational uses as approved by the Township.

B) "PUD-MU" – Planned Mixed-Use – A planned unit development that includes a mixture of residential, commercial, and office uses as specified in this article with the ability to also include public, institutional, and recreational uses as approved by the Township.

C) "PUD-B" – Planned Business Use – A planned unit development where the primary use of land is commercial, office, and/or industrial with the ability to include public, institutional, and recreational uses as approved by the Township.

7.02: Purpose Statements

A) Overall Purpose

This article is intended to permit the creation of Planned Unit Development Districts (PUDs) to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Such districts may be permitted as amendments to the Pierce Township Zoning Map, on application and approval of specific and detailed plans where tracts suitable in location and character for the uses and structures proposed are to be planned and developed.

Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Pierce Township. The Township’s character is related to the physical attributes of the Township, including its land use patterns and natural resources. The PUD district is intended to achieve the following land use objectives:

1) Provide a variety of housing and lot sizes to promote the planning of a development that is more sensitive to the protection of natural resources on sites by clustering the housing in areas physically suited to accommodating development and preserving the resources in open space.

2) Minimize the number of residential lots that are less than the stated lot area minimums for the underlying residential zoning district.

3) Encourage the protection of open space by permitting developments with a range of densities that also provide both active and passive open space, consistent with the open space character of the surrounding area.

4) Preserve open spaces to reduce erosion, improve water quality, provide wildlife habitats, retain scenic views, and reduce storm water runoff.

5) Preserve areas with steep terrain by respecting topography and other natural features in the development plan and maintaining significant percentages of land in open space in wooded and sloped areas.

6) Provide for a variety of housing types in a single unified development that is integrated into the community.

7) Provide a transition between higher densities in the area around the Village of Amelia as a transition between the Village and existing neighborhoods in the Township.

8) Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.
9) Provide a higher level of design review to ensure attractive, well-planned communities and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.

10) Respect the balance between building mass or volume and vegetation mass or volume by considering scale relationships between the new development and existing buildings and the landscape.

11) Provide for flexibility in design by allowing for relief from certain zoning regulations to create a development that provides for higher levels of community amenities.

B) Individual District Purpose Statements

The PUD districts shall have the following purposes:

1) Planned Residential Uses (PUD-R)

For residential uses within a PUD, the objective is to encourage the creation of neighborhoods with a variety of housing types that retain natural resources, provide adequate landscaping and open space areas, and are compatible with the character of adjoining land uses. PUD waivers granting reduced residential lot area or dwelling square footage minimums should be applied only when the applicant can demonstrate that the overall development is of a higher quality beyond what is required in a non-PUD zoned development.

2) Planned Mix-Use (PUD-MU) and Business Uses (PUD-B)

For mixed-use developments and business uses within a PUD, the objective is to create streetscapes that emphasize landscaping, coordinated sign control, and uniform architectural character. Proposed buildings should have rooflines and architectural features that provide a sense of identity and emphasize the most important use with visual elements.

C) PUD Waivers

1) In order to allow for flexibility, encourage innovation in land planning and to provide for an overall higher quality development, an applicant may request waivers be granted as a part of this PUD review process. A PUD waiver may provide relief from the strict application of the standards and regulations found within this zoning resolution.

   (a) The Board of Trustees may approve, approve with modifications or deny each requested waiver.

   (b) The Zoning Commission will provide recommendations on all waiver requests as a part of their Stage II Preliminary Development Plan review and recommendation to the Board of Trustees.

2) The details of each approved PUD waiver shall be provided for in a PUD Development Agreement and shall be enforced in the manner set forth in the Agreement.
7.03: PUD Procedure

A) Planned Unit Development (PUD) Initiation

1) PUDs may be initiated by the property owner or an agent of the property owner.

2) In cases where multiple property owners are involved, the application shall include a “consent to rezone” letter(s) from all property owners. The “consent to rezone” letter(s) shall designate a single contact or agent who will be responsible for contact with the Township.

3) The Zoning Commission or Board of Trustees may initiate a PUD zone change in compliance with the Ohio Revised Code 519.021 (C) whereby the PUD zoning district will be an overlay providing a property owner the choice between choosing to utilize the PUD zoning or the underlying zoning district. A property owner may choose to use the approved PUD zoning by submitting an application accepting the PUD zoning as approved and completing the PUD Preliminary and Final Development Plan reviews and approvals.

B) Stage I PUD Concept Plan Review and PUD Zoning Map Amendment Procedure

1) Stage I PUD Concept Plan Application and PUD Zoning Map Amendment

(a) The applicant shall submit an application for a PUD zoning map amendment and Stage I PUD Concept Plan review.

(b) The Stage I PUD Concept Plan and associated application documents shall include the following items:

   (i) Proposed name of the subdivision and or name of the development.

   (ii) Vicinity map showing subdivision location and any known considerations or potential issues related to adjacent properties.

   (iii) Location by military survey or other survey.

   (iv) Location by Township, scale of the plan, North point.

   (v) Names, addresses, and phone numbers of owner and applicant.

   (vi) The application shall indicate the project design team members including but not limited to the project civil engineer, landscape architect, urban planning consultant and surveyor;
(vii) Appropriate registration number and seals, including one (1) set of plans with an original stamp and signature.

(viii) Provide narrative and or visual aids identifying unique conditions on the property that should be disclosed and addressed during the PUD review process.

(ix) The boundary of the PUD project area, the existing buildings and the rights-of-way of existing roads shall be shown on the plan.

(x) Provide a preliminary list of the known PUD waivers that will be requested. It is understood that additional waiver requests may be added to this initial list for consideration by the Zoning Commission and the Board of Trustees.

(xi) Preliminary Inventory and Analysis of Site and any adjacent properties: To the extent that they relate to the site, such inventory and preliminary analysis shall address topography, waterways, wetlands and drainage, historic features, adjacent and on-site land uses and zoning, including any overlay district affecting the site; utilities and related easements and any other easements of record; roadways and traffic circulation; and other information critical to the capability of the site to accommodate development.

(xii) The proposed lot and street configuration as it relates to the boundaries of the property to be subdivided, and all existing roadways.

(xiii) Existing topography shall be shown on the plan at five (5) foot intervals; woods, streams, wetlands, and all other natural features shall be shown on the plan.

(xiv) The location of all proposed retention and/or detention basins shall be shown on the plan.

(xv) The location of all proposed temporary sediment basins shall be shown on the plan.

(xvi) The location of any proposed construction entrance shall be shown on the plan.

(xvii) A statement indicating the proposed method of wastewater disposal.

(xviii) Verification that the proposed entrances meet all applicable Sight Distance requirements as established by
the Clermont County Engineer and/or the Ohio Department of Transportation.

(xix) The proposed means of access from the public right-of-way to each individual tract of land where a building site is created without trespass upon adjoining properties.

(xx) The location of all bridges, culverts, and culvert pipe installations required to provide access to a building site.

(xxi) The current zoning districts of the property to be subdivided, as obtained from the Zoning Inspector.

(xxii) An area map showing adjacent property owners, their address and existing uses within 200 feet of the project boundaries.

(xxiii) Delineation and detailed description of the various residential, commercial or industrial land uses proposed within the PUD. For each distinct land use, indicate the general size (square footage) and composition in terms of total number of non-residential structures and (total) residential dwelling units and approximate percentage allocation by dwelling type.

(xxiv) For a residential PUD, provide a calculation of the proposed residential density in dwelling units per gross area including interior roadways;

(xxv) The interior common open space system including an on-site pedestrian connectivity and network plan;

(xxvi) Where the portions of the site are subject to flooding, the map shall indicate extent and frequency by delineating the limits of any flood plain areas or flood way areas as determined by the most current FEMA Flood Insurance Maps

(xxvii) General description of the availability of other community facilities, such as schools, fire and police protection services, and how these facilities are affected by this proposal;

(xxviii) Evidence of how the applicant’s proposed land uses and overall project proposal meet existing and projected community requirements set forth in the Pierce Township Land Use Plan Update dated November 13, 2013 and any other applicable Township or County planning document;
(xxix) General statement as to how common open space is to be utilized, owned and maintained;

(xxx) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development, except when initiated by the Board of Trustees or Zoning Commission.

(c) **PUD Application.** Each PUD application shall be signed by all of the owners or the owners’ authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications, except when initiated by the Board of Trustees or Zoning Commission.

(i) The PUD application shall be submitted with the required fees as established in the Pierce Township fee schedule.

(ii) The application shall include a list of the names and mailing addresses of adjacent property owners within 200 feet of the proposed project site including those with shared lot lines and those directly across the street.

(iii) The applicant shall submit the PUD Concept Plan simultaneously with the application for a PUD zoning map amendment.

(d) **Site Visit**

(i) Upon the filing of an application for a Concept Plan and PUD zoning map amendment, the applicant shall schedule a site visit with the Zoning Commission.

(ii) Upon completion of a site visit, the Zoning Commission shall, at the Concept Plan Work Session, disclose any discussions held with the applicant during the site visit related to the proposed development.

(iii) This site visit shall have public notice if required under Ohio law.

(e) **Concept Plan Work Session with the Zoning Commission**

Upon submission of a completed PUD Application and after the site visit has occurred, a work session shall be scheduled with the Zoning Commission. This work session shall be a public meeting with the Zoning Commission and notice shall be provided if required under Ohio law. No public hearing is required for a PUD Concept Plan review. The goal of this work session style meeting is to facilitate discussions between the applicant and the Zoning Commission and to review the initial concepts of the proposed PUD, preliminary review for general compliance with applicable provisions of this zoning resolution and identification of requested PUD waivers.

(i) Discussions that occur during the Concept Plan work session
with Township Staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Pierce Township or its officials regarding any aspects of the plan or application discussed.

(f) Action by the Zoning Commission

No action shall be required by the Zoning Commission at the Concept Plan Work Session. The Zoning Commission may request the applicant to attend one additional work session in order to progress the PUD plan discussions to an appropriate level necessary to prepare the Stage II plan requirements.

C) Stage II Preliminary PUD Development Plan

1) Stage II Preliminary Development Plan Review Procedure

(a) Submission of a Stage II Preliminary Development Plan. Once the Stage I PUD Concept Plan and PUD zoning map amendment requirements have been satisfied, the applicant shall proceed with the preparation of the Stage II preliminary development plan for the entire project area.

(i) Upon a completed submission of the Preliminary Development Plan, the Township shall transmit the Preliminary Development Plan along with any other related PUD application documents to the Clermont County Planning Commission for their review and recommendation on the proposed rezone.

(ii) The Stage II public hearing before the Zoning Commission on the Preliminary Development Plan may not occur until the Clermont County Planning Commission report and recommendation is received by the Township.

(b) The Stage II Preliminary Development Plan shall include the following items:

(i) The Preliminary Development Plan shall conform to any applicable Clermont County regulations or other County requirements for maintaining safety.

(ii) Plat of the survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries and all adjacent parcels and buildings within 100 feet of the subject site.

(iii) The Preliminary Development Plan shall be prepared by a professional engineer licensed in the State of Ohio.
(iv) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.

(v) Provide the proposed construction schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond those time limits set forth in 7.03(E).

(vi) Base mapping of the property showing the physical features. Including: significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.

(vii) Identify the project area boundaries and known easements affecting the parcel(s) to be developed.

(viii) Highways and streets in the vicinity of the project area; the proposed points of ingress and egress serving the project area existing utilities and sidewalks on or adjacent to the project area.

(ix) A drainage analysis that includes a description of soil conditions and proposed method of compliance with the Clermont County Storm water and Sediment Control Regulations.

(x) A plan showing the location of general land areas to be developed, including type and description of land uses, proposed principal streets, proposed lots, lot widths, individual lot areas, including building set back lines, and blocks, proposed sidewalks and pedestrian circulation system, and proposed public or common open space or other public facilities, including details on the active open space areas such as parks, playgrounds, school sites and recreational facilities.

(xi) The floor plans, elevations and cross sections for all buildings proposed for the project.

(xii) Dimensioned elevation drawings for all proposed exterior signage for the project identifying the proposed style, colors and choice of materials. The plan shall also include the sign footprint locations of all proposed ground mounted signs for the project.
(xiii) Calculations of residential density, open space and resource protection land.

(xiv) A preliminary landscape plan sheet(s) shall be provided addressing any project gateways, streetscapes, buffer plantings, screening or other required landscape or buffer elements.

(xv) Preliminary engineering plans including; site grading; drainage and utility improvements and extensions as necessary; street improvements, showing proposed general location of vehicular circulation routes. Please see the Clermont County Subdivision Regulations Article IV Required Submission Documents Table for a “Design Plan Review” for additional engineering design requirements to be included in this Stage II plan.

(xvi) A traffic impact study, as required by the Clermont County Engineer when the proposed development is accessing roadways and intersections under the jurisdiction of the County. The Township may require a traffic impact study when the proposed PUD plan proposes to access a locally controlled Township roadway or intersection. The traffic impact study area shall be based upon net project trip generation methodology consistent with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation and Information Report.

(aa) The following elements shall be addressed in the Traffic Impact Study: Existing roadway conditions, including existing deficiencies and proposed off-site infrastructure improvements; Trip generation based upon the development characteristics; Distribution and assignment of trips based upon existing and future roadway network, travel time characteristics; Background traffic projections; Capacity (level of service) analysis methodology for roadways and intersection and the types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development.

(bb) Either the County or Township may require off-site public roadway improvements based on the impacts to the roadway and intersection system serving the project area. When required, these off-site infrastructure improvements shall be made a condition of PUD approval. The results of a traffic impact study shall not be solely determinative of the need for off-site public infrastructure improvements.
(xvii) At any time during this Preliminary Development Plan review stage, additional information, studies or plans requested by the Zoning Commission, Board of Trustees or Township Staff as may reasonably be necessary to address the foregoing issues to assure the fullest practicable presentation of the facts for the permanent record.

(xviii) A Stage II Preliminary Development Plan shall propose all necessary legal documentation relating to the incorporation of a homeowners’ association or property owners’ association for the purpose of maintaining the specified common open space within all residential planned developments.

(xix) In addition to the items required under this section, the applicant shall also provide any other additional items as required in the Clermont County Subdivision Regulations Article IV Required Submission Documents Table for a “Design Plan Review.”

(c) PUD Development Agreement. Each Stage II Preliminary Development Plan shall be accompanied by a PUD Development Agreement. Township Staff shall provide the Zoning Commission and ultimately the Board of Trustees with a draft of a PUD Development Agreement. The development agreement will provide for various development related items, including, but not limited to:

(i) PUD waivers as mutually negotiated between the Township and the applicant.

(ii) Operational details of the proposed uses for the site.

(iii) Site inspection details and procedure.

(iv) Project construction phasing details.

(v) Copies of any restrictive covenants that are to be recorded with respect to property included in the PUD.

(d) Public Hearing with the Zoning Commission

(i) Upon the filing of the Stage II Preliminary Development Plan and PUD zoning map amendment, the Zoning Commission shall set a date for a public hearing regarding the proposed Stage II Preliminary Development Plan and PUD zoning map amendment.

(ii) The public hearing shall not be less than 20 or more than 40 days after the date the PUD application was submitted.

(iii) Notification shall be given in accordance with Section 519.12 of the
(e) Action by the Zoning Commission

(i) Within 30 days after the Zoning Commission’s Stage II public hearing, the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed Stage II Preliminary Development Plan and PUD zoning map amendment. The following items shall be transmitted to the Board of Trustees:

(aa) Zoning Commission recommendation

(bb) PUD application

(cc) Stage II Preliminary Development Plan

(dd) Recommendation of the Clermont County Planning Commission.

(ii) The Zoning Commission shall consider the following criteria as conditions for the review and approval of the Stage II Preliminary Development Plan:

(aa) The Preliminary Development Plan is consistent with the intent and purpose of this zoning resolution and, in particular, the furtherance of the purpose of the PUD as set forth in Section 7.02 (Purpose Statements).

(bb) The Preliminary Development Plan is consistent with the adopted Pierce Township Land Use Plan Update dated November 13, 2013.

(cc) The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Pierce Township or Clermont County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and or in the traffic impact study, if required, that are attributable to the proposed development.

(dd) The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities.
The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.

Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.

The PUD is designed to minimize the impact on the natural environment and complies with the performance standards set forth in Section 7.04.

The Preliminary Development Plan has been transmitted to all other Township, County, State and or Federal agencies and departments charged with responsibility of review.

When the Township is reviewing a new or modified Preliminary Development Plan following the expiration of a previous development plan (See Section 7.03 (E) (Time Limits), the Township may take into consideration changes in Township land use and development policy when making recommendations and decisions related to the Preliminary Development Plan.

The Zoning Commission’s decision on the preliminary development plan is an administrative action and is not subject to referendum.

Copies of the findings and recommendations of the Zoning Commission shall be made available to any interested persons.

The Zoning Commission shall read the recommendation report from the Clermont County Planning Commission regarding the proposed PUD application into the record prior to taking a vote on the PUD recommendation to the Board of Trustees.

Public Hearing with the Board of Trustees

Upon receipt of the Stage II PUD recommendation from the Zoning Commission, the Board of Trustees shall set a time for a public hearing on the Stage II Preliminary Development
Plan to consider the granting or denial of the proposed PUD zoning designation.

(ii) The date of the public hearing shall not be less than 20 or more than 40 days after the date the Zoning Commission’s Stage II PUD recommendation is received by the Board of Trustees.

(iii) Notification shall be given in accordance with Section 519.12 of the ORC.

(iv) The Board of Trustees shall read both the recommendation from the Clermont County Planning Commission and the Zoning Commission into the record.

(g) Action by the Board of Trustees

(i) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.

(ii) The Board of Trustees shall utilize the PUD review standards found in Section 7.03 (C)(1)(e)(ii) along with other relevant information in considering the appropriateness of the proposed PUD plan.

(iii) Approval of the Stage II Preliminary Development Plan shall, at a minimum, include density, intensities, land uses and their inter-relationship.

(iv) The Board of Trustees shall also consider the draft PUD Development Agreement submitted by Township Staff as a part of this Stage II Preliminary Development Plan review. The Board of Trustees may revise the draft PUD Development Agreement contents as determined to be in the best interest of the Township and in furtherance of the spirit and intent of this zoning resolution. A fully executed PUD Development Agreement must be submitted to the Township prior to any administrative action being taken by the Zoning Inspector on a Stage III Final Development Plan submittal.

(v) The Board of Trustees’ decision on the Stage II Preliminary Development Plan and PUD zoning map amendment is a legislative action of the Board of Trustees and is subject to the same effective date and referendum provisions as set forth in Section 3.06 (C) (Effective Date and Referendum). This is the vote to either approve or deny the proposed rezoning. After approval of the Stage II Preliminary Development Plan and PUD zoning map amendment, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.
(vi) Once the PUD zoning map amendment is effective, the requirements for PUDs in Sections 7.03 (C) (Preliminary Development Plan Review Procedure) and (D) (Final Development Plan Review Procedure), along with the approved Stage II Preliminary Development Plan, and any approved conditions, shall apply to the future development of the property.

D) Stage III Final PUD Development Plan Review Procedure

1) Submission of a Stage III Final PUD Development Plan

(a) Once the Stage II Preliminary Development Plan has been approved by the Board of Trustees and the referendum period has run without the filing of a valid referendum petition on the matter, the applicant shall proceed with the preparation of the Stage III Final Development Plan in whole or in phases.

(b) A Stage III Final Development Plan shall be submitted to the Zoning Inspector for any portion of an approved Stage II Preliminary Development Plan the applicant wishes to develop and it shall conform to the approved Preliminary Development Plan and shall conform to any applicable Clermont County regulations or other County requirements for maintaining safety.

(c) The Stage III final PUD development plan shall consist of the following contents:

(i) Provide all the contents required for “Construction Drawings” under Article IV of the Clermont County Subdivision Regulations.

(ii) A statement of the amount and proposed usage of all open space area, the gross residential dwelling density and net residential dwelling density.

(iii) For both residential and non-residential PUDs, provide the building footprints, exterior elevations and types of building materials proposed for the development. In addition to the foregoing information, for residential PUDs, also provide the residential building floor plans proposed for the development.

(iv) Landscaping plans prepared by a Landscape Architect licensed in the State of Ohio, showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species, quantities and installation of landscaping for common areas, parking
areas, open space, street trees, typical front yards, and buffer yards.

(v) When a development is to be constructed in phases, a schedule for the development of such phases shall be submitted.

(vi) When a PUD 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.

(vii) Copies of any restrictive covenants that are to be recorded with respect to property included in the PUD.

2) Action by the Zoning Inspector

The Zoning Inspector shall be vested with the authority to review and approve or deny the Stage III Final Development Plan for both single phase and multi-phased PUD developments. Within 20 days after receipt of the Final Development Plan for a multi-phased PUD development, the Zoning Inspector shall transmit a letter to the Clermont County Planning Commission indicating that the Final Development Plan is or is not consistent with the Stage II Preliminary Development Plan including all conditions and waivers as set forth in the PUD Agreement. The following applicable criteria shall serve as conditions that should be satisfied before the approval of either a single phase or multi-phased Final Development Plan by the Zoning Inspector:

(a) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the Preliminary Development Plan and Final Development Plan.

(b) The proposed detailed Final Development Plan for an individual section of the overall PUD is consistent in contents (building location, as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved Preliminary Development Plan.

(c) 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. No individual phase shall exceed the approved density.

(d) That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if
approved by the Board of Trustees, left in its natural state.

(e) All conditions and waivers are satisfied as set forth in the PUD Agreement.

(f) The required amount of common space land reserved under a planned unit development shall be held in one of the following manners: held in corporate ownership by owners of the projected areas, for the use of each owner who buys property within the development, be dedicated to a homeowners’ association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses, or be held in ownership by a not for profit entity acceptable to the Board of Trustees under which said lands shall be for public use.

(i) The legal articles relating to the organization of the homeowners’ association is subject to review and approval by the Zoning Commission and shall provide adequate provisions for the care and maintenance of all common areas.

(ii) Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Commission.

(iii) The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Final Development Plan.

(g) The Final Development Plan shall be consistent with the applicable requirements in this zoning resolution, all applicable requirements of the Clermont County Subdivision Regulations, and the approved Stage II Preliminary Development Plan. The Final Development Plan shall be prepared by a professional engineer licensed in the State of Ohio.

(h) A Final Development Plan shall propose all necessary legal documentation relating to the incorporation of a homeowners’ association or property owners’ association for the purpose of maintaining the specified common open space within all residential planned developments.

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

E) Time Limits

1) The Stage III Final Development Plan for either a multi-phased development or a single phase development shall be submitted within one year after approval of the Stage II Preliminary Development Plan, or the approval of the Preliminary Development Plan will expire and the plan will be deemed null and void.

2) Upon expiration of the Preliminary Development Plan, the property shall still be zoned as a PUD with a voided Preliminary Development Plan. The
property owner or authorized agent may submit an application and new Preliminary Development Plan for consideration pursuant to Section 7.03 (Procedure) or an application for a zoning map amendment to another district.

3) For multi-phased developments, if the applicant has not received subdivision plat approval or an extension pursuant to Section 7.03 (F) below within one-year of the approval of the Final Development Plan approval, both the Preliminary and Final Development Plans will become null and void.

4) Upon the expiration of the preliminary and/or Final Development Plan, the Board of Trustees or the Zoning Commission may initiate a zoning map amendment to change the PUD zoning on the property to another zoning district. The applicant may also initiate a zoning map amendment or submit a new Concept Plan, with all applicable fees, pursuant to the review procedure established in this article.

5) For multi-phased developments, the Board of Trustees may approve a phased Preliminary and Final Development Plan schedule as part of the Preliminary and/or Final Development Plan approvals. In such case, the approved time frames shall establish when the approved development plans expire.

F) Review of Status of a PUD Final Development Plan

1) If an applicant fails to comply with all of the provisions of this article, the Board of Trustees may review the status of any approved PUD district or any Final Development Plan, and take action, in accordance with the following procedures:

   (a) The Board of Trustees may hold a public meeting to review the status of any approved Final Development Plan and, at the conclusion of the hearing, may by resolution:

      (i) Extend any applicable time period; or
      (ii) Modify or revoke the Final Development Plan approval.

   (b) The Board of Trustees may initiate a zoning map amendment to rezone the property to another zoning district.

2) If the applicant requires an extension of the time limits, it shall be the applicant’s responsibility to request a status review by submitting a written request to the Zoning Inspector.

G) Approved Plans Stay with Land

1) Approved Stage I Concept Plan, Stage II Preliminary Development Plan and Stage III Final Development Plans and associated PUD Agreement shall be attached to the land for which the plans were approved, regardless if the land ownership, developer, or applicant changes.

2) If there is a change in land ownership, the new land owner may:

   (a) Continue with the PUD process and development in accordance with this article and the approved plans;
   (b) Submit a new Preliminary Development Plan and/or Final Development Plan in accordance with this article; or
   (c) Submit an application for a zoning map amendment in accordance with
Section 3.06 (Zoning Text and Map Amendments) of this resolution.

(d) In the instance where neither the original property owner nor subsequent property owners have consented to a PUD Concept Plan, the underlying zoning may be utilized in lieu of PUD development.

H) Effect of a Final Development Plan

1) The approved Final Development Plan and accompanying PUD Development Agreement shall be kept on record in the Township offices together with all resolutions, applications, plats, plans, and other information regarding the development.

2) The resolution prepared by the Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the property in the PUD.

3) The use of the PUD property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the Final Development Plan or the PUD Development Agreement shall be considered a violation of this zoning resolution and subject to the procedures and penalties specified in Article 14 (Enforcement and Penalties).

I) Required Conditions for the Issuance of a Zoning Permit

1) A zoning permit may be issued for a structure in a PUD district, in accordance with an approved Final Development Plan. For multi-phased PUD developments, in addition to an approved Final Development Plan, a valid approval by the Clermont County Planning Commission of the final phased subdivision plat (Construction Drawings approval) for that portion of the PUD within which the proposed structure is to be located along with the recordation of the approved subdivision plat shall also be required.

2) No zoning permit shall be issued for any property in a PUD and no construction, except preliminary excavation, shall begin until an approved Final Development Plan is in effect for that phase or property. For multi-phased PUD developments, the applicant must also obtain Construction Drawing approval from the Clermont County Planning Commission for that particular phase.

J) Modifications to Approved Preliminary or Final Development Plans

1) If an applicant proposes to modify an approved Preliminary Development Plan or Final Development Plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs (3) and (4) below.

2) The proposed modifications shall be classified as a minor or major modification based on the following:

(a) Major Modifications

   Major modifications shall involve:
(i) Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than what was previously approved by the Township Trustees or changes to the location or amount of land designated for a specific land use or open space;

(ii) A reduction of more than five percent in the number of parking spots;

(iii) A change of the permitted uses to a use not otherwise permitted in the proposed PUD;

(iv) Any change that will increase demand on any on-site or off-site infrastructure;

(v) Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PUD;

(vi) An expansion of a building footprint that affects the specified setbacks of the approved plan;

(vii) Changes to the property or project boundaries of the entire PUD District;

(viii) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations,

(ix) Any proposed change to a preapproved crucial feature, or

(x) Requested modifications to the PUD Development Agreement as they may relate to any of the specific modification items listed in this sub-section.

3) Review of Minor Modifications

(a) Any modification not listed above as a major modification will be deemed a minor modification.

(b) The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved Preliminary Development Plan or Final Development Plan.

(c) Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.

(d) The decision of the Zoning Commission on minor modifications shall be deemed administrative.

4) Review of Major Modifications

(a) Major modifications shall require the applicant to re-submit a revised Preliminary Development Plan and begin the PUD review procedure at the beginning of Stage II pursuant to Section 7.03 (C) with the following provisions:

(i) The new plan shall be subject to review and recommendation by the Clermont County Planning Commission in the manner set forth in this Resolution; and
(ii) Major modifications shall be subject to new application fees.

**7.04: PUD Development Standards**

Except as otherwise authorized by the Zoning Commission and the Board of Trustees, PUD districts shall comply with the following development standards:

**A) Density and Intensity of Uses**

1) All PUDs shall have a minimum site area of five acres.

2) All PUDs shall comply with the standards set forth in Table 7.04-1.

3) A minimum of 35 percent of the floor area in a PUD-MU shall be residential dwelling units.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Open Space Required</th>
<th>Maximum Gross Density</th>
<th>Maximum Net Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUD-R without sewer</td>
<td>40%</td>
<td>0.50 dwelling units per acre</td>
<td>0.80 dwelling units per acre</td>
</tr>
<tr>
<td>PUD-R with sewer</td>
<td>35%</td>
<td>2.00 dwelling units per acre</td>
<td>4.25 dwelling units per acre</td>
</tr>
<tr>
<td>PUD-R within 500 feet of a municipal boundary</td>
<td>20%</td>
<td>8.00 dwelling units per acre</td>
<td>16 dwelling units per acre</td>
</tr>
<tr>
<td>PUD-B</td>
<td>20%</td>
<td>0.30 FAR</td>
<td>0.38 FAR</td>
</tr>
<tr>
<td>PUD-MU</td>
<td>30%</td>
<td>4.50 dwelling units per acre</td>
<td>7.50 dwelling units per acre</td>
</tr>
</tbody>
</table>

**FAR = Floor Area Ratio** – FAR is calculated as a ratio of the total gross floor area of the building(s) divided by the total square footage of the lot area.

**B) Lot Standards**

A PUD may contain various housing types which shall comply with the minimum lot size, frontage, and setback requirements set forth in Table 7.04-2.
### TABLE 7.04-2: LOT STANDARDS

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Minimum Area (Sq. Ft.)</th>
<th>Minimum Lot Width (Feet)</th>
<th>Minimum Front Yard [1] (Feet)</th>
<th>Minimum Side Yard[1] (Feet)</th>
<th>Minimum Rear Yard[1] (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached [2][3]</td>
<td>10,500</td>
<td>60</td>
<td>25</td>
<td>8</td>
<td>30</td>
</tr>
<tr>
<td>Two-family [2][3]</td>
<td>5,000 per unit</td>
<td>50</td>
<td>20</td>
<td>6</td>
<td>25</td>
</tr>
<tr>
<td>Multi-family: four units or less [2][3]</td>
<td>3,000 per unit</td>
<td>25</td>
<td>20</td>
<td>none</td>
<td>30</td>
</tr>
<tr>
<td>Multi-family: more than four units [2]</td>
<td>2,500 per unit</td>
<td>100</td>
<td>30</td>
<td>12</td>
<td>25</td>
</tr>
<tr>
<td>Nonresidential [2][4]</td>
<td>20,000</td>
<td>100</td>
<td>40</td>
<td>10</td>
<td>75</td>
</tr>
</tbody>
</table>

**NOTES:**

[1] Setbacks may be adjusted if the applicant proposes building pads that will protect natural resources on the site. Setbacks may also be waived for the PUD-MU and PUD-B when similar uses will be abutting each other along a lot line.

[2] The minimum lot area for lots without access to sanitary sewer shall be determined by the requirements of the Clermont County Board of Health.

[3] Side and rear yard setbacks may be varied for these unit types if a garage is proposed in the rear of a dwelling.

[4] Setbacks may be varied for nonresidential buildings to minimize conflicts with adjoining residential uses, consistent with the intent to have buildings nearer the street with adequate landscaping and to locate parking at the rear of the building.

#### C) Accessory Uses and Structures in a PUD District

Accessory uses in a PUD District shall be subject to the following standards:

1) Accessory uses and structures related to single-family and two-family dwellings shall be subject to the standards applied to accessory uses in the SFR District.

2) Accessory uses and structures related to multi-family dwellings shall be subject to the standards applied to accessory uses in the MFR District.

3) Accessory uses and structures related to nonresidential uses shall be subject to the standards applied to the GB District.

#### D) Resource Protection Standards

1) The natural resources listed in this section are resources that are sensitive to development and shall be protected.

2) Table 7.04-3 establishes the minimum percentages of those natural resource areas that are to be preserved as part of the open space requirements (See Section 7.04 (E)). The Zoning Commission and Board of Trustees may reduce the percentages listed in Table 7.04-3 if they make a finding that:

   (a) The proposed alternative achieves the intent of resource protection to the same or better degree than the subject standard;

   (b) The proposed alternative achieves the goals and intent of this resolution and the Land Use Plan Update dated November 13, 2013 to the same or better degree than the
subject requirement; and
(c) The proposed alternative results in benefits to the Township that are equivalent to or better than compliance with the established percentage.

3) Preliminary and Final Development Plans shall include maps of the resources identified in Table 7.04-3 and indicate those portions that will be protected within the open space required as part of the PUD and permanently protected in accordance with this article.

<table>
<thead>
<tr>
<th>Natural Resource</th>
<th>Percentage to be Preserved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplains as defined by FEMA</td>
<td>100%</td>
</tr>
<tr>
<td>Wetlands</td>
<td>Subject of U.S. Army Corps of Engineers and Ohio EPA requirement</td>
</tr>
<tr>
<td>Unstable slopes (Eden and Fairmount soils with 25 – 50% slopes)</td>
<td>90%</td>
</tr>
<tr>
<td>Steep slopes 30% or steeper</td>
<td>85%</td>
</tr>
<tr>
<td>Steep slopes 20 – 30%</td>
<td>70%</td>
</tr>
<tr>
<td>Young Woodland</td>
<td>25%</td>
</tr>
<tr>
<td>Mid-growth Woodland</td>
<td>40%</td>
</tr>
<tr>
<td>Mature Woodland</td>
<td>50%</td>
</tr>
</tbody>
</table>

E) Open Space and Resource Protection Area Ownership and Maintenance

1) Any delineated open space within a PUD shall be preserved or used in a manner established within the specific PUD plans and or PUD Development Agreement and shall be either:
(a) Owned by the Township, County, State, or park district subject to acceptance by the appropriate legislative body; or
(b) Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners’ association.

2) A PUD plan shall provide for no less than 5% of the required total open space area requirement shall be developed for active uses. Such active open space shall be open space area that will be improved for active use by residents or members of the public that may include, but not limited to: in-ground swimming pools, playgrounds, tennis courts, basketball courts, jogging trails, or similar outdoor active recreational uses. Mowed lawn areas containing no other active use amenity shall not be considered as active open space for the purposes of meeting these requirements.
3) The following areas shall not count toward the minimum open space required in Table 7.04-1:
   (a) Private and public roads, and associated rights-of-way;
   (b) Other public utility rights-of-way and easements in excess of 50 feet;
   (c) Public or private parking areas, access ways, and driveways related to any residential use;
   (d) Required setbacks between buildings, and parking areas;
   (e) Required setbacks between buildings and streets;
   (f) Required minimum spacing between buildings and parking areas;
   (g) Private yards, including front, back and side yards; or
   (h) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

4) Wherever possible, open space should be located contiguous to open space, parks, and recreational lands adjacent to the subject property.
   (a) Multiple small isolated parcels shall be discouraged.
   (b) All open space areas shall have a minimum width of 30 feet in all directions in order to count toward the open space requirement.

5) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and final PUD plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Zoning Commission and Board of Trustees.

6) Homeowners or Property Owners’ Associations
   When a homeowners’ or property owners’ association owns any open space or common areas in accordance with Section 7.04 (E)(1), then such association shall be subject to the following;
   (a) A homeowners’ or property owners’ association shall be established to permanently maintain all open space and common areas within the PUD.
   (b) All homeowners’ association or property owners’ agreements shall be submitted for approval as part of the Final Development Plan review procedure. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners’ or property owners’ association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners’ or property owners’ association shall permit the abrogation of any duties set forth in this section.
   (c) All homeowners’ or property owners’ associations shall guarantee maintenance of all open space and common areas within the boundaries of the PUD development. This guarantee shall be incorporated into the PUD Agreement as a condition. In the event of a failure to maintain such open space or common areas, this will constitute a violation of the PUD Agreement along with any other
applicable zoning performance regulation set forth in this zoning resolution.

F) Landscaping Requirements

1) Landscaping shall be provided as follows and shall meet the minimum standards of Article 10 (Landscaping and Buffering).

2) Existing vegetation may count toward any landscaping requirement if it meets the provisions of Section 10.04 (Landscaping Materials and Standards).

3) Open Space
   (a) Open space areas shall be designated on the plan as recreation areas, buffer yards, resource protection areas, and other open space.
   (b) Areas designated as resource protection areas shall be retained in their natural state except for areas upon which pedestrian trails are located.
   (c) Non-recreational open spaces that are to be mowed and maintained with a lawn ground cover shall have a minimum of four canopy trees planted per acre.

4) Parking Lots. Parking lots shall be landscaped in accordance with Section 10.06 (Parking Area Landscaping).

5) Buffers and Screening. Buffers and screening shall be provided in accordance with Section 10.05 (Required Buffers).

6) Street Trees
   (a) All public and private streets shall have street trees installed in the right-of-way on both sides of the road. Where the proposed right-of-way is not wide enough to accommodate street trees, a minimum 15-foot easement shall be provided from the back of the pavement or curb where street trees and utilities can be located.

   (b) Two canopy trees per every 100 linear feet of street length, including driveway cuts, shall be provided.

7) On-Lot Landscaping
   (a) The minimum standard for on-lot landscaping shall be two canopy trees, two understory or ornamental trees, one evergreen tree per 100 linear feet of lot frontage minus paved areas, or one canopy tree per lot, whichever is greater.
   (b) A minimum of one canopy tree shall be located in the front yard.
   (c) In addition to trees, a minimum of eight shrubs shall be located in the front and side yards.
   (d) The actual mix of plant material shall be the choice of the developer or landowner.
   (e) The following equivalents may be used to vary the actual mix.
      (i) One canopy tree equals two understory or evergreen trees.
(ii)  One understory tree equals one evergreen or 20 shrubs.

8) Alternative Landscaping Plan

The applicant may submit a landscaping plan that proposes an alternative to meeting the above standards if the Zoning Commission and Board of Trustees find that the proposed alternative:

(a) Achieves the intent of the subject regulations to the same or better degree than the subject regulation;
(b) Achieves the goals and intent of this resolution to the same or better degree than the subject standard; and
(c) Results in benefits to the community that are equivalent to or better than compliance with the subject regulation.

G) Architectural Standards

1) All nonresidential development shall be subject to the architectural standards of Section 9.03 (Architectural Design Standards for Nonresidential Buildings).
2) Vinyl siding shall not cover more than 10 percent of any façade on any residential or nonresidential structure.

H) Parking and Loading

Parking and loading shall be provided in accordance with the provisions of Article 11 (Vehicle Parking, Stacking, and Loading) of the Pierce Township zoning resolution, subject to the landscaping requirements of Section 10.06 (Parking Area Landscaping).