

## CHAPTER 18

### PLANNED UNIT DEVELOPMENT ZONE REGULATIONS

#### “PUD”

- 18.01 Purpose: The planned unit development provisions of this chapter are intended to provide permissive, voluntary and alternative zoning procedures for well planned developments in harmony with the public health, safety, morals and general welfare in any zone provided for otherwise in this Zoning Code.
- 18.02 Planned Unit Developments, in Residential (R-1, R-2, R-3 and R-4), Commercial (B-1 and B-2) and Industrial (M-1 and M-2) Zones: Upon application of the property owners or their agent, the Hamilton Township Trustees may establish a Planned Unit Development by designating the property as a Planned Unit Development on the zoning map in accordance with the procedures set forth in Section 519.12 of the Ohio Revised Code. Once the property has been rezoned as a Planned Unit Development, subsequent use of the property shall comply with the regulations of the underlying zoning designation and other conditions of approval as determined by the Hamilton Township Trustees.
- 18.03 Permitted Uses: Any permitted use may be included within a Planned Unit Development regardless of the underlying zoning. It is essential however, that the Planned Unit Development be planned, developed and operated in accordance with the approved development plan. This plan must assure that the use(s), structures and developments are properly integrated with the surrounding area and promote the health, safety, morals, general welfare and provides for a wholesome environment, free of nuisances for the entire community
- Subsequent development of the property shall comply with the Planned Unit Development regulations established during the rezoning and the underlying zoning district as determined by the Hamilton Township Trustees. Lot size, frontage, building line or setback requirements may be abated in specific circumstances where there is an irregular, panhandle or culde-sac lot(s), or when the development consists of a substantial amount of open space.
- 18.04 Open Space Provisions: The Planned unit Development shall provide for the reservation of land within the tract to be developed as common or public open space, unless the Board of Hamilton Township Trustees decides that this requirement is not necessary for the proper execution of the Planned Unit Development.

#### Open Space Standard:

	<u>Standard Percentage of Open Space</u>
Residential PUD	20%
Commercial/Industrial PUD	15%

The standard open space for a Planned Unit Development with mixed uses is determined by calculating the area used for residential purposes, separate from the area used for commercial or industrial purposes and then applying the total acreage for each use to the required percentage of open space listed above. Hamilton Township strongly encourages applicants to exceed the standard percentage of open space whenever possible.

In circumstances where a development is planned near an existing public park or in when the Township Trustees determine open space is not necessary within the project, the developer may donate funding towards existing public parks in lieu of common open space.

- A. Open Space Requirements: Open space is defined as a parcel or parcels of land, area of water or combination of land and water within the site designated and intended for passive and active recreation of the occupants of the Planned Unit Development. No more than twenty (20) percent of the standard open space for residential areas may consist of the following:
1. Isolated or fragmented pieces of land that are less than 10,000 square feet in area or less than 15 feet in width (excluding maintained pocket parks); or
  2. Perimeter or interior buffers required under Chapter 32; or
  3. Land that is unusable or presents maintenance difficulties including, but not limited to, steep slopes over forty (40) percent grade, wetlands (as defined by the Environmental Protection Agency), retention/detention ponds primarily used for stormwater management, areas within the 100 year flood plain and other areas deemed unusable by the Hamilton Township Trustees or the Hamilton Township Zoning Commission;
  4. The off-street parking areas for residential, commercial or industrial structures, sidewalks required by the Warren County Subdivision Regulations or by the Hamilton Township Trustees or land within public rights-of-way may not be included in any open space calculation(s).

Standard open space may include a combination of active and passive open space as follows:

Active open space shall be designed with the goal to encourage active recreational use(s) for the residents of the planned unit development. Active open space may include, but may not be limited to the following uses: pedestrian walkways, mowed parkland, picnic groves, maintained ball fields, maintained open areas, horse trails, swimming pools, clubhouses, tennis courts, golf courses, fishing and boating.

Passive open space shall be designed with the goal to preserve the significant natural environmental features of the site, features primarily of undisturbed or unimproved character. They shall not include the items listed on 18.05.A.1-4 on the preceding page.

- B. Small Planned Unit Developments: It is suggested the Planned Unit Developments are a minimum of five (5) acres or more in size. In circumstances, however, where the project area is less than five acres, the Hamilton Township Trustees may determine that common open space is not necessary or if common open space is necessary, the establishment of a trust for the preservation of common open space may not be required. Normally, a Planned Unit Development is occupied by more than one owner.

18.05 Application Process: The normal application process is defined in detail in Sections 18.06, 18.07 and 18.08 for each Stage of the development process and summarized graphically in Appendix A.

18.06 Sketch Plan Approval Process (Stage One):

Preliminary meetings with the Staff of the Hamilton Township Planning and Zoning Department in advance of the application for each Stage of a Planned Unit Development are strongly recommended. Early coordination can avoid false-starts which are costly and time consuming.

- A. Procedural Requirements: The initial application shall be submitted to the Administrator of the Planning and Zoning Department. The application shall be reviewed for completeness, and then forwarded to the Warren County Regional Planning Commission. The Warren County Regional Planning Commission shall review the application and transmit its recommendation to the Hamilton Township Rural Zoning Commission. The Hamilton Township Rural Zoning Commission shall consider the application and recommendations of the Warren County Regional Planning Commission and then transmit both recommendations

to the Board of Hamilton Township Trustees. The Hamilton Township Trustees shall make a final determination on the application.

Each of these three agencies shall consider the impact of the planned unit development upon the public health, safety, morals general welfare and the environment of the general public as well as the occupants of nearby real estate.

- B. Application Requirements: In order for a parcel to be considered for a Planned Unit Development, the following information shall be submitted:
1. A completed rezoning application form for a Planned Unit Development, available from the Hamilton Township Planning and Zoning Department. The application form shall be fully completed and returned in triplicate along with the appropriate application fee.
  2. Area map showing adjacent property owners and existing land uses within two-hundred (200) feet of the parcel;
  3. An overall map of Hamilton Township showing the proposed project location.
  4. A legal description of the metes and bounds of the parcel;
  5. A sketch plan which clearly indicates the following information:
    - a. Existing topographic features of the site;
    - b. Location, size acreage and percentage of land use areas within the site including the use and bulk of any structures;
    - c. General outline of interior roadways and all existing right-of-ways and easements, whether public or private;
    - d. Calculated residential density in dwelling units per gross acre;
    - e. Interior open space system measured in acres;
    - f. Location of the one-hundred (100) year flood plain of any river, stream or water course;
    - g. Principle ties to the community at large with respect to transportation, water supply and sewage disposal shall be indicated;
    - h. Whether or not the development is to be staged, the Sketch Plan shall show the intended total project, as to envisioned use(s) and layout of vehicular access and circulation.
  6. A general description of availability of other community facilities, such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by this proposal;
  7. Evidence that the developer's proposed land uses meet existing and projected community requirements;
  8. A general statement of how common open space is to be owned and maintained.

#### 18.07 Preliminary Site Plan (Stage Two)

Preliminary meetings with the Staff of the Hamilton Township Planning and Zoning Department in advance of the application for each Stage of a Planned Unit Development are strongly recommended. Early coordination can avoid false- starts which are costly and time consuming.

- A. Procedural Requirements: The application for preliminary site plan approval shall be submitted to the Warren County Regional Planning Commission. The Warren County Regional Planning Commission shall review the preliminary site plan and transmit its recommendation to the Hamilton Township Rural Zoning Commission. The Hamilton Township Rural Zoning Commission shall consider the preliminary site plan and the recommendations of the Warren County Regional Planning Commission and then transmit both recommendations to the Board of Hamilton Township Trustees. The Hamilton Township Trustees shall make a final determination on the preliminary site plan.

Approval of the preliminary site plan may be conditional upon provisions that are necessary for the protection of the public health, safety and general welfare.

B. Application Requirements: The following information shall be submitted for consideration of approval for the preliminary site plan:

1. A letter from the PUD Spokesperson or agent requesting preliminary site plan review and recommendation from the Warren County Regional Planning Commission.
2. Area map showing the applicant's entire holding, the portion of the applicant's property under consideration and all properties, subdivisions, streets and all known easements within two-hundred (200) feet of the applicant's property;
3. An overall map of Hamilton Township showing the project location.
4. A topographic map showing contour intervals of not more than five (5) feet of elevation;
5. A preliminary site plan which clearly indicates the following information:
  - a. Title of the drawing including name and address of the applicant;
  - b. North point, scale and date;
  - c. Boundaries of the property plotted to scale;
  - d. Existing water courses;
  - e. The location, proposed use and height of all buildings, location of all parking and truck loading areas with ingress and egress drives thereto; location, size and proposed development of all open spaces including parks, playgrounds, and open spaces, location of outdoor storage if any, location of existing or proposed site improvements, including drains, culverts, retaining walls and fences; descriptions of sewage disposal and locations of such facilities, and the amount of building area; and
  - f. Required buffer areas and anticipated landscaping feature locations;
  - g. Anticipate lighting and signage locations.
6. An overlay showing all soils, areas and their classification and those areas, if any, which lie within the one-hundred (100) year flood plan or have a moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation and tree coverage.
7. An overlay showing aircraft patterns and seasonal wind directions. Areas of possible noise and odor pollution on or off-site shall be indicated.

#### 18.08 Final Site Plan (Stage III):

Preliminary meetings with the Staff of the Hamilton Township Planning and Zoning Department in advance of the application for each Stage of a Planned Unit Development are strongly recommended. Early coordination can avoid false-starts which are costly and time consuming.

A. Procedure: The owner or developer may submit the final site plan for approval after it has received approval of the preliminary site plan and approval for all necessary permits and curb cuts from State and County Officials. The final site plan shall be submitted to the Administrator of the Hamilton Township Planning and Zoning Department. The final site plan shall be reviewed for completeness, and then forwarded to the Hamilton Township Rural Zoning Commission. The Hamilton Township Rural Zoning Commission shall consider the final site plan and then transmit its recommendation to the Board of Hamilton Township Trustees. The Hamilton Township Trustees shall make a final determination on the final site plan.

The final site plan shall conform substantially to the preliminary site plan that has received preliminary site plan approval. It should incorporate any revisions or other features that may have been required by the Hamilton Township Trustees.

Upon final approval the Clerk of the Hamilton Township Board of Trustees shall forward the approved final site plan to the Warren County Building Inspector with an endorsement of the approval thereon. The Building Inspector shall not issue a building permit to the applicant until he has received the final approved site plan from the Clerk of the Board of Trustees and has received evidence of the owner's compliance with Section 18.10.A.7.

- C. Application Requirements: The following information shall be submitted for consideration of approval for the final site plan:
1. A final site plan which substantially conforms to the approved preliminary site plan and incorporates any revisions or other features that may have been required by the Hamilton Township Trustees;
  2. An overall map of Hamilton Township showing the project location.
  3. A detailed landscaping plan;
  4. A detailed lighting plan, including a photometric analysis where applicable;
  5. A detailed signage plan; and
  6. State and County approval for all necessary curb cuts.

18.09 Stage and Plan Changes:

- A. Any plan which requires more than twenty-four (24) months to complete, shall be constructed in phases and a phasing plan must be developed. In a phased planned unit development, it is expected that changes in the approved final site plan may be required from time to time. In order to preserve the flexibility which is fundamental to a Planned Unit Development, planned changes are permitted subject to the limitations listed below:
1. The changed plan must meet the basic objectives of all regulations and requirements of the approving resolutions; and
  2. All plan changes must be submitted to the Hamilton Township Board of Trustees for re-approval.
- B. Alternate Procedure: In the event an applicant/developer is sufficiently far along with their plans, they are able to seek final site plan approval when they commence the application procedure for any Stage, all of the procedures and requirements contained in Sections 18.07 and 18.08 may be combined into one application instead of two. (Stage One deleted from this paragraph)

18.10 Condition for Approval: The planned unit development will not be approved unless the development clearly shows the following:

- A. All applicable requirements in Sections 18.06, 18.07 and 18.08 and Chapter 20 have been satisfied and the following specific conditions are fully met;
1. The uses proposed will not be detrimental to the present surrounding uses or to the uses authorized under the zoning code for the surrounding real estate, but will be harmoniously related to the surrounding area.
  2. Adequate common open space area has been reserved (if required).
  3. Any internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and there is adequate ingress and egress to public thoroughfares adjacent to the development as determined by the Warren County Engineer.
  4. Any part of the Planned Unit Development not used for structures, parking and loading areas, streets or walkways shall be landscaped or otherwise improved for the purpose intended and convenient access thereto provided. Open space areas intended to be left in their natural state are not required to be improved or landscaped as determined by the Hamilton Township Trustees.

5. The development plan is consistent with the intent and purposes of the Zoning Code to promote public health, safety, morals, community stability and the general welfare of Hamilton Township.
  6. The development plan provides adequate safeguards to protect the general public, owners and occupants of nearby real estate from nuisances, noise, air pollution, water pollution, soil pollution, visual blight or any other environmental contamination and shall provide for the preservation of as many trees as practicable.
  7. Final site plan approvals shall not be effective until the property owner causes the terms and conditions of the final site plan for the planned unit development to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, incorporated into a deed of Conveyance or other legal documents. This restrictive covenant may be altered with the consent of the property owner and the Hamilton Township Board of Trustees. The developer will require the assistance of an attorney to place the terms of the development plan in record form so that it may be placed as a matter of record in the records kept by the Warren County Recorder pursuant to Section 317.08 of the Ohio Revised Code.
  8. The development plan may vary from the requirements of the Hamilton Township Zoning Code and the Warren County Subdivision Regulations upon approval of the Hamilton Township Trustees.
- 18.11 Enforcement: The terms and conditions of the Planned Unit Development and the covenant that runs with the land shall be enforceable by owners of real estate covered by the Planned Unit Development, the homeowners association for the Planned Unit Development or by owners of real estate within two-hundred (200) feet of the development or by Hamilton Township, Warren County, Ohio. Failure to enforce shall not be deemed a waiver of rights of enforcement. The owners and all subsequent owners must take action subject to a covenant running with the land whereby they waive the defense of laches against any person or body that has the power to enforce the Planned Unit Development.
- 18.12 Application in Process: Any application for the approval of the Planned Unit Development or for change of previously approved Planned Unit Developments shall be subject to the regulations set forth in Chapter 18 of the Hamilton Township Zoning Code.
- 18.13 Hearings: Hearings shall be held in accordance with Chapter 519 of the Ohio Revised Code.