

# ARTICLE VI

## PUD – PLANNED UNIT DEVELOPMENT

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Planned Unit Developments shall be encouraged, but they shall conform to the regulations of this Resolution and to the following modifications.

**Section 1. BENEFITS OF PLANNED UNIT DEVELOPMENTS**

1. Benefit to the Township
  - A. Protect natural features, rural character and open space
  - B. Opportunity for detailed plan review and comment
  - C. Allow uses to be mixed together in new and creative ways
  - D. Provide commonly owned open space that can be managed in the best interest of the community
  - E. PUD criteria typically results in higher quality developments
2. Benefit to the Land Owner
  - A. Value of land is maintained by allowing a density similar to standard zoning districts
  - B. Environmental and unique features of the land can be preserved
  - C. Opportunity to buffer adjacent properties
3. Benefit to the Developer
  - A. Provide flexibility in yard area requirements, structure types, and lot sizes
  - B. Financial returns should equal or exceed those realized with standard zoning
  - C. Flexible design criteria allows developer to customize project to meet current trends
  - D. Possible reduction in development cost through more efficient street layout and less infrastructure

**Section 2. TYPES OF PLANNED UNIT DEVELOPMENTS**

1. Planned Unit Developments may be residential PUDs based upon the uses and development standards of an existing “R” zoning districts, and include the dwelling units allowed in such district, such as detached single-family graduating to multi-unit or group living facilities or combinations thereof.
2. Commercial or Industrial PUD developments may be based on the uses and development standards of the “B-1,” “B-3,” or “M” zoning districts, and include uses such as office parks in campus-like settings.
3. PUDs may also be combinations of residential and commercial or commercial and industrial uses.

**Section 3. SITE AREA REQUIREMENTS**

1. Residential PUDs must be at least 10 acres
2. Residential PUDs between 10 and 25 acres
  - A. R-1 and or R-2 Single-Family detached units can constitute 100% of the housing types within a Residential PUD or
  - B. R-3 and or R-4 Multi-family, two-family, or single-family units can constitute 100% of the housing types within a Residential PUD or
  - C. Any combination of residential housing types
3. Residential PUDs between 25 and 100 acres
  - A. R-1 and or R-2 Single-Family detached units shall constitute at least 65% of the housing types within a Residential PUD
  - B. R-3 and or R-4 Multi-family, two-family, or single-family units shall not constitute more than 35% of the housing types within a Residential PUD
4. Residential PUDs over 100 acres
  - A. R-1 and or R-2 Single-Family detached units shall constitute at least 75% of the housing types within a Residential PUD
  - B. R-3 and or R-4 Multi-family, two-family, or single-family units shall not constitute more than 25% of the housing types within a Residential PUD
5. Commercial PUDs must be at least five acres
6. Mixed Residential and Commercial PUDs must be at least thirty three (33) acres, where:
  - A. The commercial facilities which are part of such combination development shall be devoted primarily to the convenience and service of the PUD population.
  - B. No such commercial area shall exceed one (1) acre of commercial area for each thirty-two (32) acres of residential area in the plan.
7. Industrial PUDs must be at least twenty-five (25) acres.
8. Mixed Commercial and Industrial PUDs must be at least twenty-five (25) acres.

**Section 4. DEVELOPMENT STANDARDS**

1. Development Standard Requirements for all PUDs
  - A. A Market study or other evidence satisfactory to the Commission shall demonstrate a need for the proposed development;
  - B. All PUD developments must be served by central public water and sewer facilities. Individual sewage disposal and/or water supply shall not be permitted.
  - C. All right-of-way in a PUD cul-de-sac shall extend ten (10) feet beyond the edge of the pavement.
  - D. All utilities shall be placed underground.
  - E. Setbacks are measured from a structures foundation. Bay windows, eaves, hanging chimneys, etc. may encroach into the setback area.
  - F. No new lots shall be created without a plat.
  - G. The minimum setback from a proposed PUD perimeter boundary not located along an existing public street shall be equal to the appropriate setback of the zoning district associated with the PUD or an adjacent zoning district, whichever is greater.
  - H. Additional Setback: Zoning Commission shall have the discretion to require a developer of a PUD to provide additional setback from an existing street. The additional setback shall be of such a distance so as to not impose the new development on the existing character of the corridor. The area within an additional setback may be considered in the restricted open space calculations.

2. Development Standards Requirements for All Residential PUDs

- A. When the creation of new lots is proposed, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the setback and lot width requirements of this Section.
- B. Minor subdivisions shall not be permitted in any PUD District.
- C. The minimum lot width of a proposed parcel fronting an existing public street on the perimeter of a proposed PUD shall be equal to the minimum lot width of the zoning district associated with the PUD.
- D. The minimum setback of any proposed structure fronting an existing public street on the perimeter of a proposed PUD shall be equal to the front yard setback of the zoning district associated with the PUD or an adjacent residential zoning district on the same side of the street, whichever is greater.
- E. The minimum lot width of a proposed parcel not located along an existing public street on the perimeter of a PUD may be varied to accommodate the types of residential structures, architectural features, road configuration, and open space requirements proposed in the site design.
- F. Specified perimeter lot width and setback requirements noted above shall not be reduced by variance without the prior approval of the Zoning Commission.
- G. Internal PUD lot widths and internal lot setbacks may be varied to accommodate the types of residential structures, architectural features, subdivision lot and road configuration, and open space requirements proposed in the site design.
- H. If lot widths for single or two family residential lots are varied, the Developer shall enter into an agreement with the Township that the property owners shall be assessed equally for any improvements which may be by assessment.
- I. Architectural Design. In "R" Districts, the design of single and two-family residential structures to be erected in a PUD shall be so varied in placement of windows, entrance-ways, roof design, coloring and height that no structure shall be closer than five lots to another structure substantially similar in design.
- J. Buffer areas: The zoning commission shall have the discretion to require the developer of a Residential PUD to develop buffer areas where the particular location causes the necessity to buffer. The Zoning Commission, when deemed necessary, shall determine the size, location, type and density of buffering.
- K. Protection of natural features: The zoning commission shall have the discretion to require the developer of a Residential PUD to preserve wetlands, woods, specimen trees, steep slopes, and significant views. These areas may be considered a part of the developments restricted open space area.

3. Development Standards for R-1 PUDs

- A. Minimum lot size: 20,000 sf
- B. Net density (maximum not including bonus): 1 du/ac
- C. Minimum lot frontage: 120'
- D. Restricted open space area: 40% of gross site area
- E. Building setbacks: Front: 30', Rear: 50', Side: 15'

4. Development Standards for R-2 PUDs

- A. Minimum lot size: 11,000 sf
- B. Net density (maximum not including bonus): 2 du/ac
- C. Minimum lot frontage: 80 feet
- D. Restricted open space area: 40% of gross site area
- E. Building setbacks: Front: 30', Rear: 50', Side: 15'

5. Development Standards for R-3 PUDs

- A. Minimum lot size:
  - Single-family        9,000 sf
  - Two-family         10,000 sf<sup>1</sup>
  - Multi-family        10 acres
- B. Net density (maximum not including bonus):
  - Single-family        2.25 du/ac
  - Two-family         2.50 du/ac
  - Multi-family        3.00 du/ac
- C. Minimum lot frontage:
  - Single-family        70 feet
  - Two-family         85 feet
  - Multi-family        must have legal frontage
- D. Restricted open space area:        40% of gross site area
- E. Building setbacks:

House Type	Front	Rear	Side
Single Family	25'	30'	10'
Two-Family	25'	30'	10'
Multi-Family	50'	50'	50'

6. Development Standard for R-4 PUDs

- A. Minimum lot size:
  - Single-family        7,500 sf
  - Two-family         10,000 sf
  - Multi-family        10 acres
- B. Net density (maximum not including bonus):
  - Single-family        2.50 du/ac
  - Two-family         2.50 du/ac
  - Multi-family        6.00 du/ac
- C. Minimum lot frontage:
  - Single-family        60 feet
  - Two-family         85 feet
  - Multi-family        must have legal frontage
- D. Restricted open space area:        40% of gross site area

E. Building setbacks:

House Type	Front	Rear	Side
Single Family	27'	30'	10'
Two-Family	25'	30'	10'
Multi-Family	50'	50'	50'

F. Detached single-family dwellings developed as part of a condominium shall be permitted, and shall be laid out as if there were lots and using the following criteria:

1. Rear yard minimum setbacks: 20'
2. Front yard minimum setback' 25'
3. Side yard setback 10'
4. Lot width minimum: 60'
5. A detached garage may be located in the rear serviced by a private alley if approved by the County.
6. Garage setback from alley (if approved by County) 16'

7. Development Standard Requirements for mixed Residential-Commercial PUDs.

A. Multiple residential districts may be permitted in Mixed Residential-Commercial PUDs pursuant to the following:

1. The size (in acres) and type of each residential district shall be defined on the Preliminary Development Plan,
2. The development standards stated in this Article apply to each residential district,
3. The restricted open space area requirement shall be calculated from the gross site area (including the commercial area(s)) and distributed throughout the project in a planned and thoughtful manner consistent with Section 6.
4. The net density for a Mixed-Residential PUD shall not exceed 2.75 du/ac.

B. The commercial portion of a proposed mixed residential-commercial PUD shall follow the "B-1" District requirements pursuant to Article VIII (Development Standards) and Section 4.8.

8. Development Standard Requirements for all Commercial PUDs.

A. Commercial buildings and establishments shall be planned as groups with integrated and harmonious designs having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations and intersections with main thoroughfares.

B. Open Space Requirement.

A Commercial PUD shall not have a minimum open space requirement, but creative PUD site design shall be required to preserve unique natural features, develop pedestrian connectivity to existing or future adjacent residential areas, and provide additional landscaping treatments to visually enhance areas visible from the public right-of-way and adjacent residential areas.

C. In planning these groups of buildings or establishments, no yard space will be required between uses within the groups; however, the yard requirements must be observed at the edge of the complete development.

D. Planting screens or fences may be required by the Zoning Commission.

E. The plan of the project shall provide for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the developer as well as from the standpoint of the adjoining and surrounding existing or potential developments.

F. Off street parking and loading requirements shall be observed as required; however, group parking is recommended so long as the number of spaces provided is equal to the required number of spaces required for each use to be developed.

- G. Commercial PUD developments adjoining or adjacent to a residential area shall be complementary to the residential area.
  - 1. Commercial PUDs shall consist of low intensity uses providing convenience, products and/or services to neighboring residents and the surrounding area.
  - 2. The type of service and/or products dispensed, maximum hours of operation, approximate number of employees, signs, lighting, service and waste disposal facilities, parking, set-backs, screening, fencing and such other similar and related duties and facilities as may be required by the Zoning Commission shall be provided by the applicant and may be made part of the plan by the Commission.
  - 3. Such development shall be so located and designed so that it will not introduce outside commercial traffic into interior residential areas.

9. Development Standard Requirements for all Industrial PUDs

- A. Industrial uses and parcels shall be developed in park-like surroundings utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas or dock and/or outdoor storage of raw materials or products.
- B. Open Space Requirement. An Industrial PUD shall not have a minimum open space requirement, but creative PUD site design shall be required to preserve unique natural features and provide additional landscaping treatments to visually enhance areas visible from the public right-of-way and adjacent residential areas.
- C. A planned industrial area shall provide for the harmony of buildings and a compact grouping or groupings in order to economize in the provision of such utility services as are required.
- D. Perimeter Setback. No building shall be less than seventy-five (75) feet from any boundary of the tract on which the office, research, or industrial development is located.
- E. Thoroughfares shall be kept to a minimum throughout a planned industrial area in order that those thoroughfares which are constructed may be built to the highest possible standards.
- F. Certain types of commercial uses, such as a restaurant, central secretarial or stenographic pool, or other business service type uses, repair services, or clinics which form a small commercial center to serve the needs of the industries or their personnel, may be permitted in a planned industrial area.
- G. Off-street parking and loading areas shall conform to the provisions of this resolution.
- H. All intervening spaces between the street pavement and the right-of-way line and intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped and properly maintained at all times.
- I. Industrial PUD developments adjoining or adjacent to a residential area shall be complementary to the residential area.
  - 1. The type of service and/or products dispensed, maximum hours of operation, approximate number of employees, signs, lighting, service and waste disposal facilities, parking, set-backs, screening, fencing and such other similar and related duties and facilities as may be required by the Zoning Commission shall be provided by the applicant and may be made part of the plan by the Commission.
  - 2. Such development shall be so located and designed so that it will not introduce outside commercial traffic into interior residential areas.
  - 3. The maximum allowable dwelling units on a Residential PUD shall be determined by the preparation of a yield plan or use of a Dwelling Unit Formula.

**Section 5. DENSITY DETERMINATION FOR RESIDENTIAL PUDS**1. Yield Plan

The yield plan is a subjective sketch of the potential conventional subdivision that could otherwise be developed on the site in compliance with the Township zoning and County Subdivision Regulations. The number of units “yielded” through the plan becomes the basis for determining the equivalent number of units that can be permitted in a Residential PUD. The yield plan shall include:

- A. The name, address, and phone number of professional surveyor or professional engineer who prepared the drawing with appropriate numbers and seals;
- B. Location of proposed development
- C. Aerial photograph of site area
- D. Source of boundary information. Such as county auditor or professional surveyor
- E. Topographic contours no greater than five-foot intervals.
- F. Location, widths, and names of all existing or prior platted streets or other public right-of-ways, railroad rights-of-way, easements, parks, permanent buildings and structures, and township, section, and corporation lines, within or adjacent to the tract;
- G. Location of wooded areas, water bodies, water courses, drainage patterns, floodways, floodplains, and a good faith effort to identify other potentially un-buildable areas;
- H. Where an existing water course, channel, stream, or creek is proposed to be disturbed, the proposed location of such water course shall be shown;
- I. Location and dimension of each lot and or building envelopes, to indicate where buildings shall be located,
- J. Setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible);
- K. Conceptual plan for commercial and industrial development, showing proposed parking areas and streets
- L. Location and approximate size of all present and proposed storm water drainage facilities per county requirements.

2. Dwelling Unit Formula:

The following formula is an objective calculation based on the density requirements and resulting in a specific maximum allowable number of units permitted on the site.

$$(\text{Net Site Area}) \times (\text{Density} + \text{Density Bonus}) = \text{Maximum Allowable Units}$$

- A. Net Site Area (NSA). NSA is determined by deducting un-buildable area from the site's gross area. Un-buildable area includes:
  - 1. Existing or designated future Right-of-Ways
  - 2. Existing conservation easements
  - 3. Existing utility easements (such as gas and electric)
  - 4. Existing bodies of water (1 acre or more)
  - 5. Existing mapped floodways
  - 6. Others areas classified as un-buildable
  - 7. Un-mitigated wetland areas
- B. Density: See Gross Density in Development Standards for each proposed district.
- C. Density Bonus: At the sole option of the Zoning Commission, a bonus of additional housing units is allowed when restricted open space is made available for general public use and off-street parking equivalent to one (1) percent of such land area is provided for the public. For every whole acre of land devoted to walking/biking trails, equestrian trails, park areas or other quality open space that is also available for general public use, up to one additional housing unit per acre may be added to the overall density, provided however, that overall density does not increase by more than fifteen percent (15%) beyond the net density allowed per district.
- D. If the above formula produces a fractional value, the number shall be rounded up to the nearest whole number.
- E. The following calculations must be included with the application for Residential PUDs and for each residential district within a Mixed Residential-Commercial PUD.

<b>a. Gross Site Area</b>		_____ acres
<b>Un-Buildable Area</b>		
b. Existing or designated future Right-of-Ways	_____	acres
c. Existing conservation easements	_____	acres
d. Existing utility easements (such as gas and electric)	_____	acres
e. Existing bodies of water (1 acre or more)	_____	acres
f. Existing mapped floodways	_____	acres
g. Other areas classified as un-buildable	_____	acres
h. Un-mitigated wetland areas	_____	acres
<b>i. Un-Buildable Area</b> (add b thru h)		_____ acres
<b>j. NET SITE AREA</b> (subtract i from a)		_____ acres
k. Density	_____	du/ac
l. Density Bonus (enter 0 if does not apply)	_____	du/ac
m. Allowable Density (k plus l)	_____	du/ac
<b>n. MAXIMUM ALLOWABLE UNITS</b> (multiply m with j)		_____ UNITS

## Section 6. RESTRICTED OPEN SPACE

The following open space requirements shall apply to Residential PUDs or the residential portion of a mixed Residential-Commercial PUD.

1. Location
  - A. Every property in the PUD shall be designed to have suitable access directly to the required open space. Where direct access is not possible, the developer shall provide direct pedestrian linkages between properties to ensure that access is readily available to all users.
  - B. Restricted open space shall have maximum connectivity and substantial circulation linkages to other open space resources in the development as well as substantial linkages to outside destinations, such as public parks, playgrounds, schools, shopping facilities, municipal centers, etc., to increase recreation and transportation options.
2. Restricted Open Space Criteria
  - A. Open space can include farmland, homestead buffers, community parks and nature preserves, active or passive recreation areas, wetland preserves, meadows, woodlots, scenic viewsheds, and connective trails to other public or private locations outside the development. Areas designated for restricted open space may be preserved in its natural state.
    1. The design and layout of the development should conserve, maintain, and incorporate significant wildlife habitats in existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows.
    2. Restricted open space should retain or incorporate native vegetation and integrate native plant materials selected from Oak Opening plant species recommended by the Wood County Park District to reduce visual impact or heighten visual interest.
    3. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
    4. Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.
    5. The Zoning Commission may require additional buffering, screening, and setbacks where it is determined that farm, commercial, or industrial operations, or other land uses are not compatible with the parcel size, access, or configuration or where the amount and proximity of the development raises concerns about dust, noise, light, and traffic conflicts.
    6. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. No more than twenty-five (25) percent of restricted open space should be used for active recreation pursuits and areas used for active recreation shall not dominate the natural features of a site. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, basketball courts, and baseball and soccer fields.
    7. Area designated for the construction of man-made lakes, ponds, riparian areas, dry basins or wetlands used for wastewater settling ponds, or stormwater facilities shall not be considered in the restricted open space calculations
    8. Lakes that are not used for wastewater settling or stormwater facilities may be included in the restricted open space calculation if they do not exceed more than 50% required restricted open space area, and landscaped and maintenance commitments are clearly identified. Landscaping for such facilities may include shade and evergreen trees, shrubs, thick brush, and other native vegetation.
    9. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:

10. Public rights-of-way and private roads;
  - a) Parking areas, accessways, and driveways;
  - b) Required building setbacks and minimum building spacing area;
  - c) A minimum buffer of fifteen (15) feet between buildings and required open space;
  - d) Other small fragmented open space areas
3. Ownership
  - A. Restricted open space land or recreational facilities shall be held in corporate ownership by the owners of the project area building sites through a homeowner association, community association, condominium association, or some other similar legal entity, as regulated by the Ohio Revised Code.
  - B. A homeowner or community association shall be an Ohio nonprofit corporation. A condominium association shall be either an unincorporated association or an Ohio nonprofit corporation. The property owner's association shall operate with financial subsidization by the developer before the sale of any lots within the development.
  - C. The developer shall incorporate into the Articles of Incorporation and either the Code of Regulations (for a homeowner or community association) or the Bylaws (for a condominium association) protective covenants and/or deed restrictions, a clause:
    1. Mandating membership in the property owner's association and giving an interest in such land to each owner who buys property within the development;
    2. The association shall be required to provide notice to the Zoning Inspector upon proposed or actual amendment of the development plan, the association's declaration, articles of incorporation and either code of regulations or equivalent filed document (for a homeowners' or community association or bylaws for a Condominium Association);
    3. The association shall not be authorized to allow its dissolution or the sale, transfer or other disposal of any restricted open space in the common area without:
      - a) an affirmative vote of seventy-five (75) percent of its members;
      - b) having established a successor entity to take over said property pursuant to the Zoning Resolution; and
      - c) the approval of the Board of Township Trustees;
    4. The association shall be responsible for maintenance, control, and insurance of common areas, including the required open space, if owned by the association;
    5. The association shall be authorized to impose assessments on members for the maintenance, control and insurance of common areas, and have the power to place liens against individual properties for failure to pay assessments either as provided for by statute (Condominium Association) or as specified in the association's declaration, code of regulations or equivalent filed document (Homeowners' Association et al);
    6. The Association shall have the authority to adopt and enforce reasonable rules and regulations governing the use of, and payment of assessments for maintenance, control and insurance of, common areas;
    7. The restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the office of the Recorder of Deeds of Wood County.
    8. Requiring deed restrictions shall be drawn to subject the owners in fee, and all leases or others holding, thereunder, to the requirements of the Planned Unit Development by reference thereto;
    9. And shall provide further that any resident or owner of property in or adjoining the Planned Unit Development, or the Township, may enforce such requirements by injunction or other appropriate legal remedy.

- D. As an alternate to a property owner's association, the developer may (under conditions suitable to the township and in accordance with the provisions of ORC §5301.67-70) deed the land or grant a conservation easement to any of the entities listed in ORC §5301.68, such as to the township or a land trust, which shall maintain the restricted open space in lieu of a property owner's association. The conveyance shall contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Maintenance
- A. Maintenance shall involve insurance, security, enforcement of encroachments, development of trails, natural resource protection of soils through erosion controls, and preservation and improvements of riparian areas, woodlands, ecologically sensitive areas, and wildlife.
- B. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
- C. Open space areas consisting of properly planned and tended natural meadows of native grass areas should be excluded from any Township weed laws which could result in the mowing of these areas.

### **Section 7. FINANCIAL ABILITY TO PROCEED**

The proponents of the development shall satisfactorily guarantee a financial ability to complete the proposed project. Construction shall begin within one (1) year of the necessary zoning approval and the project shall be completed within a reasonable time as determined by the Commission.

### **Section 8. PROCEDURE**

#### 1. Overview

Property proposed to be developed as a PUD must be rezoned to a PUD District pursuant to Article XVII (District Changes and Resolution Amendment). Upon the approval of the rezoning of the site to a PUD District, the Official Township Zoning Map shall be amended to designate the property "PUD" preceded by the name of the conventional zoning district upon which standards it is based (e.g., "R-1 PUD"). At the option of the applicant, the rezoning to a PUD District may be concurrent with review of the PUD Development Plan. Plans may include the proposal to phase construction of the PUD development. Final Development Plans must be administratively approved by the Zoning Commission before the Zoning Inspector may issue a Zoning Certificate.

#### 2. Informal Review

It is recommended that prior to going to the expense of preparing and submitting a detailed PUD Development Plan review application for approval, a prospective applicant should hold an informal review with the Zoning Inspector and Zoning Commission.

- A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained within.
- B. To aid the discussion, the Applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, locations of buildings and parking areas, an internal circulation pattern, proposed sizes of buildings, and proposed uses to be included in the development.
- C. Requests for informal review by the Zoning Commission that are made at least seven (7) days prior to the next meeting of the Zoning Commission will be placed on the agenda of such meeting.
- D. No action shall be taken at such a meeting and any discussions, opinions, suggestions, or recommendations discussed at the Informal Review shall not be relied upon by the applicant to indicate subsequent approval or disapproval of the plan.

### 3. Preliminary Development Plan

An application for Preliminary Plan PUD review shall include the requirements listed in Section 8.6 (Requirements of the Preliminary Development Plan) for the use and development of all of the tract of land for residential, commercial, industrial and allied purpose. The application shall be filed with the Zoning Inspector by the landowner, a group of owners of the land acting jointly, or a development team member acting on behalf of and with the full consent of the owner.

- A. Once the application is deemed complete, the Preliminary Development Plan shall be referred to the Township Zoning Commission and the County Planning Commission for study, public hearings, and report. Procedures and notice provision for such public hearings shall conform to the procedures prescribed in Article XVII (District Changes and Resolution Amendments).
- B. Following the public hearing and upon determination by the Zoning Commission that the proposed PUD project as shown by the Preliminary Development Plan conforms to this Article and all other applicable provisions of this Resolution, the Zoning Commission shall recommend approval to the Board of Trustees. Upon finding the Development Plan does not conform to this Article and all other applicable provisions of this Resolution, the Zoning Commission shall recommend approval with modifications, or denial of the application to the Board of Trustees. Where an application contains a concurrent application for a change of zoning districts, the Zoning Commission shall make separate recommendations for both the zoning change and the Development Plan.

### 4. Amendments to the Preliminary Development Plan

After approval of the Preliminary or Final Development Plan by the Zoning Commission and Board of Trustees, adjustments or rearrangements of lots, yards, buildings or structures, parking areas, driveways, streets, or entrances shall require resubmission of the Preliminary or Final Development Plan for re-approval.

- A. Minor changes or revisions to an approved PUD may be made by the Zoning Commission for the following:
  - 1. Adjustments to lot configuration without increasing the number of lots originally submitted;
  - 2. Adjustments to the size and location of buildings, swimming pools, and other on site structures as long as:
    - a) There is no increase in the number of units over and above those that the plan covers;
    - b) There are no material encroachments into the established setback areas;
    - c) There are no material encroachments to the designated parking areas to the extent that would necessitate an alteration in the layout of the access drives or provisions for additional parking spaces; and
    - d) A large building mass is not created either through an increase in height or length that would magnify the effect of the development on the adjoining areas.
  - 3. Alterations to the proposed drives and/or parking areas as long as they do not encroach materially into building or specified recreation areas.
  - 4. Adjustments in the size and location of development identification signs.
- B. A major change is any change that does not meet the criteria under Subparagraph 6.4.1 above, and constitutes a significant alteration in the basic plan design or result in a use different from those originally intended. A major change shall require consideration and processing the same as a zoning change by the Zoning Commission and Board of Trustees, initiated in accordance to Article XVII (District Changes and Resolution Amendments).

### 5. Final Development Review

- A. Upon receipt of approval of a zoning change, the applicant shall have one (1) year to prepare and submit a Final Development Plan application to the Zoning Inspector containing the requirements listed in Paragraph 8.7 (Requirements of the Final Development Plan), which

plan shall incorporate any changes or modifications to the Preliminary Plan required by the Board of Trustees.

- B. An application for Final Development Review shall be required for each phase of development.
- C. If the Final Development Plan is found to comply with the Preliminary Plan approved by the Board of Trustees and the requirements set forth in this Article and other applicable provisions of this Resolution, the Zoning Commission shall approve the Final Development Plan and instruct the Zoning Inspector to issue a zoning certificate to the applicant for the construction of the proposed PUD.

6. Requirements of the Preliminary Development Plan

The applicant for the PUD shall submit twelve (12) copies of the proposed Preliminary Plan and the applicable fee (as established by separate resolution of the Township Trustees) to the Zoning Inspector along with the required application. The content of the Preliminary Plan shall include a preliminary drawing submitted at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch on one or more sheets 24"X 36" or 18"X 24" in size, clearly and legibly drawn, containing at least the following information:

A. Identification Notes, as follows:

- 1. The name, address, and phone number of the applicant, professional surveyor or professional engineer who prepared the drawing with appropriate numbers and seals;
- 2. Proposed name of the subdivision, location by section, range, township or other survey;
- 3. Date of survey, scale of the drawing shown graphically, north point, and legend; and
- 4. Vicinity map at a scale of four hundred (400) feet to the inch or less.

B. Delineation shall include but is not limited to the following:

- 1. Boundary line of proposed PUD indicated by a solid heavy line, indicating acreage;
- 2. Name of adjacent subdivisions, owners of adjoining parcels, and boundary lines and acreage of adjacent tracts of un-subdivided and subdivided land, showing owners of tracts greater than one (1) acre, extended to 200 feet beyond the boundary of the subdivision;
- 3. Topographic contours referenced to USGS Datum or Wood County Benchmark with intervals no greater than two (2) feet at five (5) percent slope, no greater than five (5) feet for slopes over five (5) percent and less than or equal to fifteen (15) percent, and no greater than ten (10) feet for slopes greater than fifteen (15) percent;
- 4. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.
- 5. Location, widths, and names of all existing or prior platted streets or other public right-of-ways, railroad rights-of-way, easements, parks, permanent buildings and structures, and township, section, and corporation lines, within or adjacent to the tract;
- 6. Location of wooded areas, water bodies, water courses, drainage patterns, floodways, floodplains, and a good faith effort to identify other potentially hazardous areas;
  - a) Where an existing water course, channel, stream, or creek is proposed to be disturbed, the proposed location of such water course shall be shown;
  - b) Estimated flood elevations for high water level shall be determined by the developer's engineer in areas where such information has not been made available from other sources;
- 7. A good faith effort to identify the location of environmentally sensitive areas;
- 8. A good faith effort to identify the soil types, derived from the USDA Soil Survey;
- 9. Known cemeteries, historical or archeological sites;

10. A good faith effort to identify the layout, number, dimensions of each lot, the maximum parameters, or building envelopes, to indicate where buildings shall be located, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible);
  11. Statements of proposed use of lots, giving type and number of dwelling units and/or type of business or industry;
  12. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features;
  13. Parcels of land reserved for public use or reserved by covenant for residents of the PUD;
  14. Point of ingress/egress or driveway locations and the distance to any existing driveway(s);
  15. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered;
  16. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, culverts, or other underground utilities within the tract or adjacent thereto;
  17. A schedule outlining the order of development of each section or phase of the PUD.
- C. Additional Information for the Preliminary Plan, such as the following, may be requested during the Preliminary Plan review or required during review and approval of applications:
1. A feasibility study on sewer and water facilities for land developments of two or more dwelling units per acre;
  2. Screening, buffering and/or noise abatement measures;
  3. Other information, studies, items, or provisions deemed necessary or prudent to meet the requirements of this Zoning Resolution and to promote the public health, safety, convenience, comfort, prosperity, and general welfare.
7. Requirements of the Final Development Plan  
The applicant for a PUD shall submit twelve (12) copies of the proposed Final Plan to the Zoning Inspector along with the required application. The following list of technical requirements shall be satisfied in order for the Zoning Commission to approve the Final Plan:
- A. All requirements indicated for Preliminary Plan PUD review in Section 8.6 as modified below
  - B. Final Plan delineation shall:
    1. Comply with limits with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code;
    2. Be based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field.
    3. Determine boundaries by an accurate survey in the field which will be balanced and closed with an error of closure not to exceed one (1) to then thousand (10,000);
    4. Indicate all lot lines with accurate dimensions in hundredths of a foot and bearings measured to thirty (30) seconds, indicating area in acres;
    5. Contain true bearings and distances to at least three (3) of the nearest established street lines of official monuments which shall be accurately described on the Final Plan.
    6. Indicate radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets;
    7. Include survey computation sheets;
    8. Be drawn and signed in black opaque ink;
    9. Contain a certification by a registered surveyor to the effect the Final Plan represents a survey made by him and that the monuments shown thereon exist as located and that all geodetic details are correct.

- C. Accurate survey and legal description of the boundaries of the proposed development site;
- D. A statement or table indicating total acreage for the development site, as well as total acreage devoted to lots, street right-of-way, open space, easements, and various development types;
- E. A specific description of permitted, conditionally permitted, and accessory uses to be allowed in each area of the development;
- F. Accurate locations and dimensions of all lots, setbacks (a note listing setback dimensions may be added in lieu of showing setback lines if the drawing will be made more legible), and building envelopes.
- G. Accurate locations of areas to be dedicated or reserved for public or common use of property owners within the PUD, with the purpose indicated thereon. A copy of proposed deed restrictions, restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the Wood County Planning Commission, the County Engineer, or other authority shall be attached;
- H. The exact location, width, and names of all interior streets proposed for the development and adjoining streets, and the exact location and widths of all alleys and cross-walks. The applicant shall check with the proper county officials to ensure proposed street names do not duplicate that of any other street;
- I. Exact locations and dimensions of all easements for rights-of-ways provided for public services or utilities, with wording addressing the purpose of such easements or rights-of-way and accompanying letter(s) from the electric and/or gas company indicating that all necessary energy easements have been obtained or are being negotiated;
- J. Final drawings of sewer and water facilities as well as street and drainage systems, with direction of flow indicated;
- K. Landscaping plan for all buffers and other common areas.
- L. Layout and dimensions of all parking and loading areas along with an indication of what they are to be built to serve.
- M. A description of the expected timing of the development with phasing.
  - 1. The applicant is also required to submit a project narrative describing the following items:
  - 2. Terms and conditions under which the property will be maintained subsequent to the development.
  - 3. A description of the objectives to be achieved by the development concept but not limited to:
    - a) The manner in which the proposed development meets or exceeds the intent of the PUD district;
    - b) Architectural and site design guidelines to apply throughout the development, including style, colors, and types of materials, placement of structures to maximize views, and take advantage of the site's natural character;
  - 4. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer or Ohio Department of Transportation on existing roads;
- N. In addition to the above, the Township may require additional information, including environmental impact studies and archaeological surveys prepared by appropriate professionals to document the impacts of the development and to address potential mitigation measures.

- O. The applicant shall be responsible for all outside expenses incurred by the Township in reviewing final development plans. Such expenses are beyond application fees established by the Township and may include professional service fees incurred in connection with reviewing the submitted plans, such as legal expenses or fees from other professionals such as engineers, landscape architects, planners, or environmental scientists. These fees shall not exceed \$5,000, unless otherwise negotiated between Middleton Township and the developer/owner of such property. Funds for the estimated cost of such reviews or studies shall be placed on deposit with the Township Board of Trustees.