

# **Chapter 15**

## **"R-PUD" RESIDENTIAL PLANNED UNIT DEVELOPMENT**

### **15.01 PURPOSE**

This Chapter establishes requirements and procedures for approval of special residential developments designed as single, distinct, integrated units, providing single and/or multifamily residential uses, necessary vehicular and pedestrian circulation, and associated open space and/or recreational uses.

- A. GENERAL - It is the purpose of the Residential Planned Unit Development Overlay District ("R-PUD") to provide a flexible alternative to strict application of certain dwelling unit type, lot area, density and other requirements in Residential and Agricultural Zoning Districts, in order to encourage coherent planned residential development that are in keeping with modern site planning standards, so as to promote the general public health, safety, and welfare, and other general purposes of the Miami Township Zoning Resolution.
- B. OBJECTIVES - The "R-PUD" is specifically designed to:
  1. Encourage residential land development in consideration of topography, vegetation, community character, and compatibility with surrounding land uses;
  2. Encourage creative design in the arrangement of buildings, open space, circulation, and all related factors by permitting maximum flexibility in design;
  3. Achieve the most efficient land use by utilizing the special advantages of planned development and coordinated planning and design, and facilitating the economic arrangement of buildings, circulation systems, and utilities;
  4. Create high quality living environments that balance certain permitted density increases with preservation of green space and/or provision of recreational amenities.
- C. PROCEDURES - To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional Residence Districts are established in this Chapter, under which development plans specifically designed to meet these objectives may be submitted for review and/or approval. These special provisions allow for the planned reduction or averaging of individual lot area requirements or other modifications to further the purposes of the "R-PUD".

### **15.02 QUALIFYING CONDITIONS**

Any application shall meet the following conditions to qualify for consideration as an "R-PUD" District.

- A. LOCATION - The "R-PUD" site shall be located within all Residence Districts, including the "A" Agriculture District and may not be located in any other zoning district.
- B. DEVELOPMENT - The "R-PUD" site shall be no less than five (5) contiguous acres. Subject to Zoning Commission approval, contiguous property of any size, including property of less than five (5) acres may be added to a "R-PUD" at any time, after a final development plan has been approved or after construction of the development has been initiated or completed in phases or in its entirety, provided its design is an integral part of and is harmonized with the character of the preexisting "R-PUD" development. All additional development to an approved "R-PUD" will be processed, reviewed and approved in accordance with the requirements of this Chapter. No "R-PUD" development shall be permitted except where public water and sanitary sewer facilities are made available.
- C. SINGLE CONTROL - At the time of application and throughout the development period, all land included in the "R-PUD" must be under the single control of the applicant or his successor, except for any portions of the development which are finished during phased construction and transferred to private ownership in accordance with the requirements of this Chapter.

### **15.03 USE REGULATIONS**

Contingent upon final development plan approval, as required by the provisions of this Chapter, the following uses may be permitted within the "R-PUD" District:

- A. PERMITTED USES
  - 1. All types of residential housing units (attached or detached) may be permitted within the "R-PUD" Overlay District, including but not limited to single family, two-family, and multifamily residential units;
  - 2. Accessory buildings incidental to the principal use, which do not include any activity conducted as a business.
- B. DENSITY, HEIGHT, YARD AND SETBACK REQUIREMENTS
  - 1. The overall density of the R-PUD shall not exceed the maximum density permitted in the underlying zoning district or the maximum lot yield that can be expected when designing a subdivision that meets the standards of the underlying zoning, whichever is less;
  - 2. Minimum yard, lot size, type of dwelling unit, height and frontage requirement of the underlying district may be varied by the Zoning Commission for the "R-PUD" development, provided that the spirit, intent, conditions and provisions of this Resolution are complied with in a total development plan. The Zoning Commission, at its discretion, may require that adherence to the minimum requirements of the underlying districts be accomplished within all or a portion of the perimeter of the site;
  - 3. Height, yards, and setbacks shall be as approved in the development plan, provided the following minimum standards are observed:

- a. Height: The height of any residential structure within an "R-PUD" district shall not exceed three stories or forty-five (45) feet;
  - b. Minimum Distance Between Buildings: There shall be a minimum distance of fifteen (15) feet maintained between residential structures; and
  - c. Length of Structures: There shall be no continuous structure of townhouses, attached dwellings or apartments, containing more than eight (8) units side by side.
- C. FENCES, WALLS - The location, height and type of fences and walls shall be as approved in the development plan.
- D. OFF STREET PARKING - Off-street parking, and when applicable loading, shall be provided in accordance with Chapter 23 of the Miami Township Zoning Resolution and additional standards set forth in this Chapter.
- E. SIGNS - The number, size, and location of signs for an "R-PUD" development plan will be in accordance with Chapter 24 of the Miami Township Zoning Resolution unless otherwise approved by the Zoning Commission.

#### **15.04 STANDARDS AND GUIDELINES**

In order to obtain an "R-PUD", the developer must demonstrate that the preliminary development and final development plans meet the following standards:

- A. SITE PLANNING/OPEN SPACE AND GREEN AREAS
  - 1. To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character;
  - 2. Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement;
  - 3. Whenever possible a R-PUD must be designed so the proposed green areas adjoin the green area of any bordering development or any public park in order to provide an interconnected greenbelt system.
- B. GRADING AND DRAINAGE
  - 1. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts;
  - 2. Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, flooding, and erosion.

### C. NATURAL RESOURCE PROTECTION AREAS

1. The resource protection standards are intended to preserve valuable and unique site natural resources which contribute to the ecological well-being and character of the community, and to prevent damage to the environment and the public health, safety and welfare that may result from loss of vegetation, hillside slippage, flooding, erosion or inappropriate site development;
2. The applicant is required to identify the natural resources present at the subject site, the limitations they pose to development and the required resource protection areas not be built upon, altered or disturbed by development;
3. All resource protection areas identified on the subject site shall be properly notated and may be designated as permanent open space and be made an integral part of the required open space in accordance with the provisions of this Chapter;
4. The types of site natural resources that need to be identified and protected and the preferred method of protection are as follows:
  - a. Flood plains: The 100-year flood plain and areas of special flood hazard areas as identified by the Federal Emergency Management Agency, and, in accordance with all applicable State and Clermont County regulations.
  - b. Water Courses: Natural streams, ravines and drainageways, which may or may not have been identified in the Federal Emergency Management Agency Maps. Any alterations of these site resources shall meet the provisions of appropriate Clermont County regulations.
  - c. Lakes and Ponds: No development or diversion of existing year-round bodies of water should be permitted except to provide required roads.
  - d. Steep Slopes: Site areas where the land surface is inclined from a horizontal plane twenty percent (20%) or greater characterized by increased runoff, erosion, sedimentation, and slippage hazards if disturbed by construction activities. In order to prevent slippage, loss of vegetation and erosion, the majority of steep slope areas should not be disturbed through the stripping of vegetation or grading. The following standards should guide the protection of steep slopes:
    - i. Steep Slopes of 20% to 30%
      - One hundred percent (100%) of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the "R-PUD" project, in accordance with this section.
      - Seventy percent (70%) of such resource protection areas should remain undisturbed.
    - ii. Steep Slopes of Greater than 30%:
      - One hundred percent (100%) of such resource protection areas should remain undeveloped when

- they are incorporated into the open space system for the “R-PUD” project, in accordance with this section.
- Eighty-five percent (85%) of such resource protection areas should remain undisturbed.
  - iii. Development of steep slopes should be done with caution, and excavation and alteration of the ground should be minimized. When steep slopes are being proposed for development, the Zoning Commission may require specific performance standards to be applied to the development in order to mitigate impacts.
- e. Woodland Areas: Areas or stands of trees (measured canopy to canopy) covering an area greater than one-quarter ( $1/4$ ) acre in which:
- i. The majority of the trees are young canopy (4"-16" tree caliper); or
  - ii. The majority of the trees are fifteen (15) feet in height or greater and form at least a twenty percent (20%) canopy cover.
  - iii. Any grove of trees without regard to a minimum area consisting of mature canopy (16" and greater tree caliper).
  - iv. All development should be planned, designed and constructed so that existing healthy trees and vegetation are preserved to the maximum extent possible, according to the following:
    - Young Canopy Woodland: No more than sixty percent (60%) should be cleared.
    - Mature Canopy Woodland: No more than thirty percent (30%) should be cleared.

#### D. CIRCULATION

1. The street, access and parking system shall provide for the smooth, safe convenient and functional movement of vehicles and pedestrians both on and off-site;
2. Circulation shall:
  - a. Minimize the conflict between pedestrian and vehicular traffic, and
  - b. Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.
3. Vehicular Access:
  - a. Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic-carrying capacity of the existing street.
  - b. A traffic impact study shall be required for all R-PUD developments.

4. Site Distance Triangles:

- a. All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.
- b. The site distance triangle should be determined in accordance with the most recent, relevant and applicable standards. The sight distance triangle should vary depending on the design speed of the street and the width of the street.

E. PEDESTRIAN CIRCULATION

1. Sidewalks shall be constructed along all public and private streets. These public sidewalks can be supplemented with pedestrian paths that traverse the common open space;
2. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient, safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated;
3. When deemed necessary for proper pedestrian circulation the Township may require sidewalks and/or pedestrian paths be constructed to provide access from the end of a cul-de-sac to the nearest adjoining street.
4. Whenever a proposed development adjoins a collector street sidewalks shall be constructed along the collector the full length of the subject property.

F. LIGHTING

1. On-site exterior lighting should provide illumination adequate to permit safe night-time activities;
2. All roadway, street, parking and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.

G. SCREENING AND BUFFERING

1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development;
2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

H. LOT REQUIREMENTS - The minimum lot size for a single family home shall be 8,400 square feet with a minimum lot width of 70.

I. DESIGN STANDARDS - The Zoning Commission shall consider quality of design when reviewing all R-PUD applications. Design standards shall include:

1. The use of unique street design and landscaping to provide for traffic calming, including but not limited to, landscaped islands, flared sidewalks, or street narrowing;
2. A sufficient number of housing types and models are offered to avoid a monotonous streetscape. Provisions are established to avoid having identical building elevations constructed on adjoining lots;
3. The development offers a variety of lot sizes, housing types and construction material including, but not limited to, brick, stone, vinyl or wood siding;
4. Trees and foundation plantings are proposed for the front yard outside the public right-of-way.

J. PERIMETER REQUIREMENTS - If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the "R-PUD" development, the Zoning Commission shall impose either of the following requirements and may impose both:

1. Structures and parking areas located at the perimeter of the "R-PUD" development shall be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses within appropriate buffering as determined by the Zoning Commission;
2. Structures located on the perimeter of the "R-PUD" development shall be permanently screened in a manner, which is sufficient to protect the privacy and amenity of adjacent existing uses.

K. COMMON OPEN SPACE RECREATION AREA - The Zoning Commission may recommend approval of the "R-PUD" development if it finds that the development plan contains areas to be allocated for common open space in accordance with the following requirements:

1. Common open space should be set aside for active and/or passive recreation. Central neighborhood greens and smaller pocket parks are encouraged. Active recreation can include such activities as golf courses, swimming pools, tennis courts and playgrounds. Passive recreation can include sitting areas, walking paths, gazebos or similar uses;
2. Streets, rights-of-way, parking areas and public utility easements having a width of 50 feet or more cannot be considered as common open space;
3. For "R-PUD" projects to be developed with one hundred percent (100%) single family units, Twenty percent (20%) of the total (gross) site area of the proposed "R-PUD" development, shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to final approved development plan;
4. For projects to be developed with one hundred percent (100%) multi-family units, a minimum of thirty percent (30%) of the total gross site area of the proposed "R-PUD" development shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to the final approved development plan. Required perimeter setbacks and required setbacks between buildings shall not be considered in the calculation of common open space;

5. For "R-PUD" projects to be developed with single family and multifamily units a minimum of twenty percent (20%) of the total (cross) site area of the proposed "R-PUD" development shall be set aside and be dedicated to a public or private agency as common open space and recreation area in compliance with the covenants attached to the final approved development plan;
  6. At least thirty percent (30%) of such required common open space areas shall be contiguous; they shall constitute autonomous open space and be exclusive of all streets, structures, single family lots, parking areas, sidewalks, and landscaped areas incidental to the vehicular circulation system. Independent trails and bridle paths of sufficient width and design may be included in the calculation;
  7. Such open space areas shall be physically situated so as to be readily accessible, and available to, all residents of the "R-PUD" development.
- L. ACCESS POINTS - At its discretion and in consideration of special project features, the Zoning Commission may require a specific number of access points to serve the proposed "R-PUD", development.

M. UTILITIES - All utilities shall be located underground.

**15.05 SPECIAL PUD DEVELOPMENTS - TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)**

- A. PURPOSE - The purpose of this section is to provide standards and guidelines for the development of a traditional residential neighborhood. A traditional neighborhood:
  1. Is compact.
  2. Is designed for human scale.
  3. Provides for a mix of single family and multi-family housing styles, types and sizes in close proximity to each other that creates a sense of community.
  4. Incorporates interconnected streets, alleys, and sidewalks.
  5. Incorporates significant open space, including village greens, active and passive recreation areas, and pocket parks.
- B. APPLICABLE ZONING DISTRICT - The underlining zoning for TND developments shall be the "R-3" Residence District.
- C. APPLICABLE DEVELOPMENT STANDARDS - The development standards set forth within this section are designed to supplement the standards found elsewhere in this chapter. Where there is a conflict, the standards found in this section will apply.
- D. DENSITY AND LOT SIZE
  1. The traditional neighborhood development shall have a gross density of not more than four (4) units per acre with single-family lot widths of 40-50 feet;
  2. Multi-family units shall be limited to row style, town homes with main entrances at the public sidewalk, garages to the rear accessed from an alley, and no more than six (6) units in a structure. The design of the multi-family units must be architecturally compatible with the single-family homes. The

number of multi-family units shall not exceed 20 percent of the total number of dwelling units.

#### E. CIRCULATION

1. Vehicular Circulation – an integrated and interconnected public street system shall be provided. The streets shall be wide enough to accommodate on street parking on one side of the street and still have room for emergency vehicle access. Boulevard entrances into the development are encouraged. Street trees shall be provided throughout the development;
2. Alleys - rear alleys shall be provided to access to the garage for each home;
3. Pedestrian Circulation - sidewalks shall be provided along all public streets

#### F. ARCHITECTURAL STANDARDS

1. The Traditional Neighborhood Development shall provide for the following:
  - a. A variety of architectural styles with a mix of one and two story homes;
  - b. Covered front porches on each house. The porch must extend along at least 50% of the front elevation of the house. The porches shall be a minimum depth of six (6) feet;
  - c. Rear yard garages with access from alleys;
  - d. Varied landscaping to add to the diversity.

#### G. SETBACKS

1. Front Yard Setback – the front yard setback shall be no greater than 12 feet from the right-of-way;
2. Corner lots – on corner lots the maximum setback from the right-of-way shall be 25 feet;
3. Side Yard Setback – the side yard setback shall be a minimum of 5 feet. Zero Lot line homes will be permitted provided there is access to the rear yard and provided there is an easement on the adjoining property to permit maintenance of the home;
4. Rear Yard Setback – The rear yard setback for the single-family and multi-family residences shall be 35 feet;
5. Garage Rear yard Setback – the rear yard setback for the garage shall be 30 feet;
6. Garage Side yard Setback – the side yard setback for the garage shall be 5 feet.

#### H. OPEN SPACE

1. Each TND Development shall have a minimum of 30% open space;
2. Each TND Development shall preserve natural features such as flood plains, riparian corridors, steep slopes, woodlands, and lakes or ponds;
3. A Village or Neighborhood Square shall be provided in a central area accessible by walking from anywhere within the development;
4. Gazebos, gardens and other passive parks areas shall be provided and shall be evenly distributed throughout the development.

## **15.06 APPLICATION AND REVIEW PROCEDURES**

### **A. INITIATION**

1. Application for approval of an "R-PUD" may be initiated only by the owner of the property or his/her agent proposed for designation as an "R-PUD";
2. Whenever an "R-PUD" is proposed, before a permit for the erection of a permanent building in such "R-PUD" shall be granted, and before a subdivision plat of any part thereof may be filed in the office of the Township Zoning Commission and County Planning Commission, the developer or his authorized agent shall apply for and secure approval of such "R-PUD" in accordance with the procedures set forth in this Chapter;
3. An "R-PUD" may be established by action of the Township Trustees and only after the Trustees' consideration of a recommendation from the Township Zoning Commission in accordance with the requirements and procedures of this Chapter, and all other applicable Ohio Revised Code (ORC) requirements.

### **B. PROCEDURE -** The application for a "R-PUD" commenced by a property owner, developer or his authorized agent shall be processed in a three-part procedures which requires the owner or agent to: Attend a Pre-application Conference; Submit a Formal Application, the required Review Fee in accordance with the Fee Schedule, and a Preliminary Development Plan; and Submit a Final Development Plan and Subdivision Plat as required. Zoning Commission and Township Trustees shall act upon the application as prescribed by the following provisions of this chapter and in accordance with all applicable Ohio Revised Code requirements.

#### **1. Pre-application Conference**

- a. Prior to submitting an application for development plan approval, an applicant for a "R-PUD" development shall meet with the Community Development Director to present the concept of the proposed development prior to the preparation of detail plans and to discuss the procedures and standards for development plan approval.
- b. The pre-application conference is intended to facilitate the filing and consideration of a complete application and no representation made by the Community Development Director during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.
- c. The pre-application conference presentation shall include appropriate information and material necessary to explain the proposed development, including but not limited to, sketch plans and ideas development, tentative public utilities proposals, site location, etc.

#### **2. Formal Application and Preliminary Development Plan**

- a. An application shall be filed with the Community Development Director by the owner or owners or authorized agent of all property included in the development. A narrative summary of the

- development objectives shall be prepared and file with the application, completely documenting the opportunities and limitations to development, the facts, and studies supporting the proposed development. Eighteen (18) copies of the application and preliminary development plan shall be filed with the application.
- b. The application must include the written and graphic submittals specified below. Incomplete applications will not be accepted and processed.
  - 3. The preliminary development shall include all of the following information:
    - a. A completed application form provided by the Community Development Director of Miami Township.
    - b. The required preliminary development plan review fees in accordance with the Miami Township fee schedule; and
    - c. Eighteen (18) copies of the preliminary development plan.
    - d. For site plans less than 25 acres, the preliminary development plan shall be drawn for the subject property to a scale not smaller than one (1) inch equals one hundred (100) feet, to be considered complete. For site plans larger than 25 acres, an appropriate scale shall be used. All preliminary development plans shall be dated and shall include the following information as required by this Resolution.
    - e. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances adjacent streets, and location with reference to identifiable street intersection. A list of the names and addresses of the owners of all property owners located within the subject site, and within two hundred (200) feet in all directions of the subject site, together with corresponding parcel numbers.
    - f. Name of development, legal description of property north arrow, scale, acreage name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the plan.
    - g. Vicinity map locating the subject property in Miami Township. Both vicinity map and preliminary development plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page.
    - h. The total lot area of the subject property.
    - i. The present zoning of the subject property and all adjacent properties.
    - j. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated or abandoned.
    - k. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review.
    - l. The location of every existing and proposed building with number of floors, gross floor area, and number of dwelling units per building.

- m. Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks.
- n. The amount of area proposed for common open space and recreational use, including the location and arrangement of recreational facilities, and identification of unique natural features to be retained, and a statement of ownership of such facilities and the means of maintaining all common areas.
- o. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations.
- p. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces, angle of stalls.
- q. Location of proposed pedestrian walkways, identifying approximate dimensions.
- r. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
- s. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service, including cable service.
- t. Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within this area, with 100-year water surface elevations and proposed finished floor elevations denoted:
- u. Identification of the soil types and subsurface geology of the subject property, indicating anticipated problems and proposed methods of handling said problems.
- v. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be included, and every good faith effort made to preserve, maintain, and enhance same.
- w. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used.
- x. A schedule of development, including the staging and phasing of:
  - i. Streets, utilities, and after public facility improvements, in order of priority, and
  - ii. Dedication of land to public use or set aside for common ownership.
- y. Elevations of all faces of buildings and structures, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:
  - i. Heights of buildings and structures,
  - ii. Roofs and overhangs, and
  - iii. Special design features.

- z. Additional information or engineering data, in such form and content as necessary, to determine that the preliminary development plan meets the standards of this Chapter and other requirements and performance standards of the Zoning Resolution for Miami Township and of other public agencies in Clermont County, to ensure proper integration of the proposed project in the area and the prevention of adverse and undesirable impacts on the community.
  - 4. The aforementioned information required for preliminary development plan review may be combined in any suitable and convenient manner as long as the data required is clearly indicated and comprehended;
  - 5. Depending on the nature of the preliminary development plan review application one or more of the aforementioned preliminary development plan requirements may be waived by the Community Development Director. To obtain a waiver the applicant must submit a statement to the Community Development Director indicating reasons why the requirements should be waived. Community Development Director may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact the proposed development shall have on the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Community Development Director with respect to the waiver is subject to review upon appeal to the board of Zoning Appeals;
  - 6. Review and Approval of Preliminary Development Plans shall Proceed as follows:
    - a. The Township shall review the required "R-PUD" Preliminary Development Plan and accompanying documents using the procedures, standards, limitations and guidelines set forth in this Chapter. To be considered complete, a Preliminary Development Plan shall identify and provide all the information required under this Section.
    - b. At the time of the filing of an application for review and approval of the "R-PUD" Preliminary Development Plan, the applicant is required to pay the required review fee in accordance with the Township's effective schedule of fees.
    - c. The submittal of the application for an "R-PUD" District and all the required material for review and approval of the Preliminary Development Plan shall proceed as follows:
      - i. Step 1 - The applicant shall submit 18 copies of the Preliminary Development Plan to the Community Development Director.
      - ii. Step 2 - The Community Development Director shall transmit copies of the Preliminary Development Plan and accompanying documents to the following entities:
        - The Township Administrator,
        - The Clermont County Planning Commission and other appropriate county and state review agencies, and

- iii. Step 3 - The Community Development Director shall within thirty (30) days collect reports from the Clermont County Planning Commission and other appropriate review agencies and prepare a staff report and recommendation for the Township Zoning Commission.
- iv. Step 4 - The Township Zoning Commission shall set a time and place and conduct a public hearing. Notice of such hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the Township at least fifteen days before the date of such hearing. Written notice of the hearing shall also be mailed by the Zoning Commission by first class mail at least twenty days before the date of the public hearing to all owners of property within the subject site and within two hundred (200) feet in all directions of the subject site.
- v. \*Step 5a - The Zoning Commission's written report to the Township Trustees within thirty (30) days of meeting held as per Step 5, shall make a recommendation for approval, approval with conditions, or disapproval and shall include the following:
  - A statement that the plan is consistent with the intent and purpose-of this section.
  - A statement indicating the relationship beneficial or adverse, of the proposed development to the adjacent properties and to the neighborhood in which it is proposed to be established.
  - A statement that present or planned utilities, roadways, and other public services will adequately service the overall development.
  - A statement that the uses permitted in the development plan serve the area, preserve unique topographic, historical, special environmental or other unique features, and/or meet special requirements set forth in the development objectives.
  - Statements that all specific conditions set forth previously in this Chapter are met.

[\*Editor's note, "Step 5a" read as "Step 5". \*\*Editor's note, "Step 5" read as "Step 4." See Zoning Cases 446 and 490.]

- vi. Step 6 - Upon receipt of the Zoning Commission recommendation, the Township Trustees shall either approve, reject, or modify the recommendation of the Zoning Commission after public hearing. The public hearing shall be conducted by the Township Trustees within 30 days of receipt of the of the Zoning

Commission recommendation and the Trustees shall render a decision within 20 days of that hearing notice. Notice of such hearing shall be given by the Township Trustees by one publication in one or more newspapers of general circulation in the Township at least fifteen days before the date of such hearing. Written notice of the hearing shall also be mailed by the Township Trustees by first class mail at least twenty days before the date of the public hearing to all owners of property within the subject site and within two hundred (200) feet in all directions of the subject site.

vii. Step 7 - If the Township Trustees grant the "R-PUD" Overlay District, the Official Township Zoning Map shall be so modified and appropriately notated for the subject property by adding the prefix "R-PUD" next to the underlying zoning district letter, with data of approval and case number.

7. Final Development Plan:

- a. Within nine (9) months following the approval of the Preliminary Development Plan and the establishment of the "R-PUD" Overlay District, the applicant shall submit to the Community Development Director all required items to obtain final authorization to proceed with construction. Failure of the applicant to submit the final development plan within nine (9) months shall nullify the approval and shall cause the Zoning Inspector to remove the prefix "R-PUD" from the Official Township Zoning Map.
- b. The applicant shall submit the following items to the Community Development Department:
  - i. Application and Review Fee;
  - ii. Final Development Plan;
  - iii. Site Plan Map(s)/Elevation and Details, and
  - iv. Supporting documentation.
- c. To insure conformance with the purpose and all requirements of the "R-PUD" Overlay District, the Community Development Director may require all necessary detailed plans and documents to perform the adequate review of the Final Development Plan.
- d. As a detailed extension of the approved Preliminary Development Plan, the Final Plan shall contain specifications of all data and information contained in the previous plan of sufficient detail to allow for review and approval for Zoning Certificate.
- e. The final detailed development plan shall conform substantially to the preliminary development plan. No changes, erasures, modifications or revisions shall be made to any approved plan after approval has been given unless said changes erasures, modifications or revisions are first submitted to and approved by the Community Development Director. In determining whether to permit revision of the preliminary development plan after approval, the Community

- Development Director shall proceed as follows. For minor modifications, which are defined as follows: with respect to Section 15.06B.3 a 10 percent change in existing buildings, floor area heights, and setbacks, and any change under Section 15.06B.3.f, g, s, t or u, the Community Development Director may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners. For major modifications which are any changes in use or in Section 15.06B.3.e, h-l, n-r and v-x, the applicant must submit a new preliminary development plan which will be reviewed in accordance with the procedures in Chapter 15.
- f. For developments which are designed to be built in phases and for which the preliminary plan was approved under Chapter 15, further review of the final development plans shall be in accordance with this section.
  - g. The Final Development Plan which shall be submitted in twelve (12) copies must be at a scale not smaller than one inch equals fifty feet (1' = 50'). It shall satisfy all corresponding requirements of the preliminary plan and include all necessary detailed information regarding site development and building construction.
8. Record Plat - All "R-PUD" developments shall conform to the Clermont County Subdivision Regulations. The Community Development Director shall review said record plat for compliance with final "R-PUD" plan.

## **15.07 COMPLIANCE AND ENFORCEMENT**

It shall be incumbent upon the Community Development Director or his/her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved final development plan.

In the event that the Community Development Director finds that a construction in accordance with the approved final development plan and record plat(s] is not being done, he/she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved final development plan shall be at the developer's, builder's, or owner's expense.

## **15.08 EXPIRATION**

If substantial construction has not been completed within a period of twelve (12) consecutive months from the date of approval of the final development plan, said plan shall be deemed null and void. The Community Development Director may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control: and that prevailing conditions have not changed appreciably to render the approved final development, plan obsolete. For purposes of this Chapter, substantial construction shall mean installation of roadways including curbs and utilities.