



**ARTICLE 17 PLANNED UNIT DEVELOPMENT DISTRICTS**

**17.01 PURPOSE AND INTENT OF PLANNED UNIT DEVELOPMENT DISTRICT PROVISIONS**

The purpose of the Planned Unit Development ("PUD") District provisions is to provide a means of development that is flexible and innovative when development of a site by standard, more rigid, conventional zoning district regulations may produce less efficient use of the land and less amenities and benefits for the community and users of the development. Development under Planned Unit Development provisions provides a means for encouraging ingenuity, imagination and flexibility on the part of land owners, engineers, architects, site planners and developers in the planning and design of land areas. It is not the intent of the Planned Unit Development provisions to allow applicants to circumvent the intent of this Zoning Resolution or to allow development of land not in conformance with the Land Use Plan of the Township.

**17.02 HOLD FOR FUTURE USE**

**17.03 VOLUNTARY PUD APPLICABILITY**

Applicants may voluntarily request to be considered for PUD zoning classification and development under PUD District provisions. Approval for consideration shall not be construed or interpreted as approval of the requested PUD zoning.

DEVELOPERS OPTIONS

- A. The Developer shall have the following options:
  - 1. Submission of a Planned Unit Development District change, processed in a manner hereinafter set forth, and the subsequent submission of a Final Development Site Plan for any portion of the approved PUD District the Developer desires to develop, or
  - 2. Submission of a PUD District change and final development site plan without a prior district change and processed in the manner as hereinafter provided for.
- B. No Zoning Certificate shall be issued for any property for which a Planned Development classification is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase or property, whichever of the above options is elected by a Developer.

**17.04 TYPES OF PLANNED UNIT DEVELOPMENT DISTRICTS**

Types of Planned Unit Development Districts include R-PUD (Residential Planned Unit Development), C-PUD (Commercial Planned Unit Development), MX-PUD (Mixed Use Planned Unit Development), and I-PUD (Industrial Planned Unit Development). Each PUD District shall be governed by the requirements specified for each respective PUD District and the general provisions governing Planned Unit Developments.

**17.05 GENERAL PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENTS**

**17.05.1 DEFINITIONS AND INTERPRETATION**

For the purposes of this Article, certain terms or words used herein shall be interpreted or defined as follows:

1. The term "**actual start of construction**" be interpreted as either the first placement or permanent construction of a structure on a site, such as the pouring of slab, footings or the installation of piles. The following shall not be construed as or be interpreted as constituting the actual start of construction: land preparation, such as clearing, grading and filling; the installation of streets and/or walkways; the excavation for a basement, footings, piers, foundations or the erection of temporary forms; the installation upon the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of a main structure.
2. The word "**community**" shall be interpreted as the physical environs and area located either totally or partially within the boundaries of Beavercreek Township, Ohio.
3. The term "**impervious surface**" shall mean all surfaces that do not absorb water, including but not limited to roads, sidewalks, parking areas, and any area paved in concrete, asphalt, or solid pavers.
4. The term "**institutional uses**" shall be interpreted to include colleges, universities, schools with any of first through twelfth (1-12) grades, seminaries, churches, places of worship, public or governmental libraries, hospitals and medical centers, museums, governmental or public offices and buildings, public community centers, public indoor recreation centers, cemeteries, or uses of similar character.

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5. The term "**main building**" or "**main structure**" shall be interpreted as a building in which is conducted the main use of the lot where the building is situated and includes areas such as garages, carports, and storage areas that are attached to such building or structure. Such term shall not include buildings or structures in which accessory uses are conducted.
6. The term "**main use**" shall be the principal use or uses to which the premises are devoted and the principal purpose or purposes for which the premises exist.
7. The term "**open space**" shall mean any area or areas within a development not covered by structures, parking lots, asphalt and/or concrete pavement. As determined by the Zoning Commission, walkways and certain structures that are an integral part of a landscaping and beautification plan for development may be counted as open space.
9. A "**PUD Agreement**" means an agreement, entered into between the Township and the developer, intended to assure the completion of certain improvements, either not usually included in a sub divider's agreement and performance bond or in the absence of a sub divider's agreement and performance bond, which may not otherwise be completed in a timely and satisfactory manner. Such improvements may include, but are not limited to, landscaping, roadway improvements, and storm water detention facilities.
10. The term "**specific site plan**" means a detailed development plan for a part of, or all of, a Planned Unit Development indicating the specific proposed locations of structures and signs, parking areas, means of vehicular access and movement, pedestrian walkways, landscaping and open space, lighting plans, buffering and screening devices, utility services, drainage and runoff control systems, and other details as required by this Resolution.
11. The word "**slope**" shall mean the relationship between the change in elevation of land (rise) and the horizontal distance over which that change in elevation occurs (run). Slope shall be calculated by dividing the rise by the run, multiplied by 100, and expressed as a percentage.
12. The term "**supplementary conditions**" shall be interpreted as Zoning Commission or Trustees conditions that modify or alter proposed PUD Zoning classification application or specific site plan applications

**17.05.2 PROJECT CONTROL AND OWNERSHIP**

Planned Unit Development District designation is intended to apply to development sites that are under single ownership or unified control to allow comprehensive design, planning and development of the site. The project land may be owned, leased, or controlled by either one or more persons, partnerships, corporation or other appropriate business associations capable of satisfying the objectives and requirements of the Planned Unit Development District. The Township may require proof of ownership, covenants, easements, and other forms of property rights or control to ensure satisfactory compliance with PUD objectives and requirements.

**17.05.3 PUD AGREEMENT**

Upon approval of a specific site plan, the Township, at its sole discretion, may require the PUD developer to enter into a PUD agreement with the Township, and to furnish a performance bond for the purposes of assuring satisfaction of completion requirements for improvements such as landscaping and drainage control facilities and any conditions and safeguards as may be set by the Township Trustees and the adopted Resolution approving the specific PUD development. At its discretion, the Township may accept a letter of credit or other form of performance guarantee and security in lieu of a performance bond. In all cases the sufficiency and adequacy of such bond, letter of credit or other form of guarantee or security shall be at the sole determination of the Trustees.

**17.05.4 UTILITY REQUIREMENTS**

All initial and all future expanded utility systems within the limits of all Planned Unit Development Districts are required to be placed underground. Utility systems subject to this requirement shall be those that primarily serve the development within the PUD District and shall include, but not be limited to telephone, cable television, and electrical systems. Appurtenances of these systems which can be effectively screened may be excluded from this requirement if the Township Trustees determines that such appurtenances are essential for utility service to other areas of the community and that such exclusion will not violate the intent or character of the proposed Planned Unit Development or any conditions, restrictions or other requirements imposed upon the development.

**17.05.5 APPLICATION PROCESS AND SEQUENCE**

Due to the flexible and special character of Planned Unit Development Districts and projects, and to assist reviewing authorities in evaluating the merits and making findings of proposed PUD projects, the full PUD approval process generally involves either a two stage review or a single stage/concurrent review. The applicant may select either the two stage review process or the single stage/concurrent review process. Unless the applicant informs the Zoning Enforcement Officer at the time of submission of the PUD Zoning classification application of selection of the single stage/concurrent review process, the applicant shall be considered to have selected the two stage review process.

1. Two Stage Review Process

(a) First Stage

The first stage of the two stage PUD review process generally consists of submission of an application for PUD Zoning classification in accordance with Sections 17.05.6, 17.06.1, 17.06.2 and 17.06.3 of this Zoning Resolution. The Zoning Commission then reviews and makes a recommendation on the PUD Zoning classification application in accordance with Sections 17.06.4, 17.06.5 and 17.06.6 of this Resolution. The Township Trustees then, in accordance with Sections 17.06.7 and 17.06.8, reviews the PUD Zoning classification application and makes a decision to either approve as submitted, approve with supplementary conditions or disapprove the application. Approval of PUD zoning classification constitutes only approval of PUD District zoning for the subject property. (legislative action) A specific site plan shall be submitted and approved prior to the issuance of a zoning permit for the subject property.

(b) Second Stage

Unless the applicant selects the single stage/concurrent review process as per Section 17.05.5.2, the second stage of the two stage PUD approval process begins at the initiation of the applicant and only if the PUD Zoning classification application submitted in the first stage was approved or approved with supplementary conditions by Township Trustees. The second stage generally consists of submission of a specific site plan for the subject property in accordance with Sections 17.05.6, 17.07.1, 17.07.2, 17.07.5, and 17.07.6. An administrative review and recommendation upon the specific site plan application is then conducted by the Zoning Commission in accordance with Sections 17.07.7, 17.07.8 and 17.07.9 of this Resolution. The Township

Trustees then, in accordance with Sections 17.07.10 and 17.07.11, reviews the specific site plan application and makes an administrative decision to either approve the application as submitted, approve with supplementary conditions or disapprove. (administrative action)

2. Single Stage/Concurrent Review Process

At the applicant's option the first and second stage of the two stage review process may be combined for a single stage/concurrent review process. If the applicant elects such option, a PUD Zoning classification application and a related specific site plan application, in accordance with Sections 17.06.3 and 17.07.2, shall be simultaneously submitted by the applicant and both applications shall together proceed through a single stage/concurrent review process. In such case, the Zoning Commission shall concurrently review both applications, but shall first make a recommendation upon the PUD Zoning classification prior to making a recommendation upon the specific site plan application. The Township Trustees then shall concurrently review both applications, but shall first act upon the PUD Zoning classification prior to taking administrative action upon the specific site plan application.

**17.05.6 APPLICATION COMPLETENESS AND OFFICIALLY FILED STATUS**

Planned Unit Development and Specific Site Plan applications shall not be considered officially filed until the applicant has submitted all applicable filing fees, and submitted to the Zoning Department all information as may be required by this Zoning Resolution. Completeness of an application and submission of all necessary information is the responsibility of the applicant. Only after an application is determined by the Zoning Enforcement Officer and Planning Director to be complete and officially filed will application review procedures begin. Applications for specific site plan approval that do not adhere to the substantial conformance requirements of Section 17.07.6 of this Zoning Resolution may be considered to be incomplete, not officially filed, and not subject to Township review procedures.

**17.05.7 SITE ARRANGEMENT REQUIREMENTS**

The buildings, circulation, open space, landscaping and other elements of the proposed PUD development shall be arranged, planned and designed on the site to produce:

1. Favorable relationships with the existing natural topography, bodies of water or water courses, existing desirable vegetation, exposure to significant views and exposure to sunlight and wind;

2. Safety, convenience and ease of pedestrian and vehicular movement on, about and throughout the site and between the site and the community;
3. An overall positive visual quality throughout, into and from the development site;
4. An efficient, functionally organized, and cohesive development; and
5. All areas designed for future expansion or not intended for immediate improvements or development shall be landscaped or otherwise maintained in a neat and orderly manner.

**17.05.8 ZONING MAP IDENTIFICATION**

Areas approved as a Planned Unit Development District will be clearly marked and identified on the Zoning Map by indicating the specific PUD District upon which approval was granted, either R-PUD, C-PUD, MX-PUD or I-PUD; followed by the appropriate case number ( Example: "C-PUD 90-5").

**17.05.9 MULTIPLE PUD PROJECTS**

A proposed PUD project, shall be considered a "Multiple PUD Project" when each individual use proposed for the project is permitted by at least one (1) of the various PUD Zoning Districts (Example: R-PUD), while at the same time all of the proposed uses for the project are not permitted by only one (1) single PUD Zoning District (Example: R-PUD and C-PUD). A multiple PUD project requires differing PUD District Zoning classifications for respective, contiguous portions of the property proposed for development. When the proposed development is a multiple PUD Project, the applicant shall file a single PUD zoning application, identifying each specific PUD zoning district, incorporating a functional and general location phasing plan for each individual PUD, a functional and general locational sequencing schedule for the full multiple PUD project, and all other necessary application materials as per Section 17.06.3 of this Zoning Resolution. A Multiple PUD differs from an MX-PUD (17.14) in that the differing uses (e.g. residential vis-à-vis commercial) are located in the distinctive appropriate PUD District.

**17.05.10 PREVIOUS PUD APPROVALS**

All PUD approvals, including any approved modifications, amendments or conditions, approved by the Township prior to the effective date and where any time limitation for such approvals has not expired, shall be governed by the Planned Unit Development provisions and regulations in effect as of the

adoption of resolution effective date. If any time limitation attached to an approval of a PUD, modification, amendment or condition has expired, such approval shall be governed by the current provisions and regulations of Article 17 and this Zoning Resolution.

**17.05.11 APPEAL OF ZONING ENFORCEMENT OFFICER AND PLANNING DIRECTOR DETERMINATION**

In order to assure that Zoning Commission and Township Trustees have all information pertinent to the decision making process contained within this Article, the Zoning Enforcement Officer and Planning Director has been given the responsibility to require additional information as necessary in order for Zoning Commission and Township Trustees to make an informed decision. Any applicant who objects to the provision of additional information may request a determination by Zoning Commission at its next regularly scheduled meeting. No further action shall take place regarding the application and submission until Zoning Commission has rendered its decision, which shall be final.

**17.06 APPROVAL PROCEDURES FOR PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATION**

**17.06.1 NOTICE TO APPLICANTS**

Notice is hereby provided to all applicants that:

1. Approval of PUD zoning classification shall not be deemed approval of a specific site plan or approval of a zoning permit;
2. The issuance of a zoning permit for all or any portion of a PUD project requires Township Trustees approval of a specific site plan: and
3. In accordance with Sections 17.07.3 and 17.07.4, unless an extended approval period is granted by Township Trustees, approval of any specific site plan shall expire if actual construction has not started in the area of approval for the respective specific site plan within five (5) years from the effective date of Township Trustees approval of the plan.

**17.06.2 PRE-APPLICATION MEETING**

1. Prior to filing an application for a Planned Unit Development, the applicant or developer is strongly encouraged to meet with the Zoning Enforcement Officer and Director or the Director's designee. The purpose of this meeting is to informally and generally discuss the proposed development and the purpose, criteria and standards of the Planned Unit Development provisions and this Resolution, and to

provide the prospective applicant an opportunity to ask questions about PUD requirements and the PUD review and approval process. The applicant shall note that no statement or representation of the Zoning Enforcement Officer or Director, the Director's designee or any representative of the Beavercreek Township during this pre-application meeting and any subsequent pre application meetings shall be binding upon the Zoning Commission, the Township Trustees or Beavercreek Township. In addition, the applicant is encourage to engage in informal consultation with the County Engineer, entities providing energy or utility services necessary for the proposed PUD, and such other individuals, entities or organizations as suggested by the Director or his designee. If the applicant elects to waive the opportunity for a pre-application meeting, at the time of submission of the PUD Zoning classification application, the applicant shall acknowledge such waiver by his signature on a pre-application meeting waiver form prepared by the Zoning Department.

2. The developer shall meet with the zoning commission prior to submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained therein.

### **17.06.3**

#### **PLANNED UNIT DEVELOPMENT APPLICATION**

The applicant shall officially file, in accordance with Section 17.05.6 of this Zoning Resolution, an application for Planned Unit Development District classification with the Zoning Department and shall make payment to the Township of Beavercreek in an amount equal to the established filing fee applicable to the PUD application for the proposed development. The application shall contain an application original and copies of all application materials in a quantity specified by the Zoning Department. The application shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the applicant. If the applicant is not the sole owner of the subject property the application shall contain the name, address and telephone number of all owners of the property;
2. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on and with the application. If the applicant is not the owner of the property proposed for PUD Zoning classification, the applicant shall submit a current notarized, written statement from the property owner(s) appointing the applicant as the owner's agent. The statement shall further acknowledge the owner's consent to be bound by the application, by any agreement made by the agent, and by all decisions made by the Township on this matter;

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3. A written and signed "letter of intent" from the applicant establishing the applicant's intentions as to development of the property, including existing and proposed use(s) of the property, and a detailed description of the common ownership or unified control of the entire property or properties included in the proposed development;
  4. A location map of the property at a scale of 1 in. = 1000 ft., indicating location and boundary of the proposed PUD, and names of existing streets surrounding the proposed PUD;
  5. The current zoning classification of each property included in the proposed development;
  6. A written legal description of the property proposed for PUD classification. If a multiple PUD project is involved, the legal description for each proposed individual PUD shall be provided;
  7. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography showing contours by two (2) foot intervals, existing natural and man made features of the development site, including major wooded areas, flood plains and wetland areas, structures, streets, easements, utility lines and current land use. If a multiple PUD project is involved, the applicant shall provide the dimensions and bearings, and acreage for each proposed individual PUD zoning District;
  8. A location map showing the area proposed for PUD Zoning classification and all properties within five hundred (500) feet from the exterior boundaries of the area proposed for PUD Zoning. The applicant shall provide a list of the names and addresses of all owners of such properties. The names and addresses of property owners shall be those available from the Greene County Auditor's Office and current within fourteen (14) days prior to submission of PUD Zoning classification application to the Zoning Department. If the review and approval process of the application is substantially delayed, the Zoning Enforcement Officer may require the applicant to submit an updated list of names and addresses of owners of such properties;
- Effective May 24, 2006**
9. At a scale suitable for public meeting presentation purpose (preferred approximate scale of 1 inch = 200 feet), sketch plans and development concepts regarding land uses, types of residential development, generalized location of various land uses, generalized street access and vehicular circulation pattern, proposed setback from surrounding properties and general concepts for screening and buffering, generalized type and location of proposed recreational or open space areas and facilities, and the proposed density /densities and their arrangement(s) on

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the property. The applicant may indicate proposed building locations. The applicant shall furnish an 8 ½” by 11” transparency of this information suitable for projection by use of an overhead transparency projector onto a viewing screen.

10. Evidence of availability of water supply and sanitary sewer service;
11. Estimated vehicular traffic volume generated by the proposed development and proposed street improvements;
12. An estimated time schedule, including proposed starting and completion dates, indicating the timing and generalized location of development of generalized land use and functional areas, various phases of the project, and improvements to be constructed. If a multiple PUD project is involved, the sequencing, timing and functional relationship between each proposed individual PUD shall be provided;
13. If a C-PUD, MX-PUD or I-PUD is proposed, a listing, by individual PUD phase, and if applicable, by multiple PUD sequence, indicating the coverage or percent of total land area covered by buildings and all other impervious surfaces. If a R-PUD is proposed, a listing, by individual PUD phase, indicating the percent of the total proposed area of open space to be provided;
14. A listing of intended uses of the proposed PUD and the corresponding type of PUD zoning District (R-PUD, C-PUD, MX-PUD, and I-PUD) in which each listed use is identified as permitted or accessory;
15. A listing of any intended uses which may require a conditional use application; a listing of any intended uses not identified as a permitted or accessory use in any type of PUD Zoning District; and a listing of any intended uses which may require a determination of similarity of use. If any such list is submitted, the applicant shall meet and further confer with the Zoning Enforcement Officer and Planning Director regarding the provisions of Sections 17.10.1 and 17.10.2 and 21.05 of this Zoning Resolution;
16. A schedule and listing of the total proposed square footage of buildings for each proposed PUD, and if applicable, also for the total multiple PUD project. If a R-PUD or MX-PUD is proposed, the proposed overall gross residential dwelling unit density for each PUD, and a schedule and listing of the proposed total number and type of dwelling units; and
17. Any additional information as may be required by the Zoning Enforcement Officer and Planning Director within fifteen (15) days of the date of submission.

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18. When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.
19. A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any ordinance that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

### **17.06.4**

#### **ZONING COMMISSION PUBLIC HEARING AND NOTICE**

Notwithstanding Section 24.06 of this Zoning Resolution, the Zoning Commission shall hold a Public Hearing on an officially filed Planned Unit Development Zoning application not less than 20 nor more than 40 days after the application official filing date. Before holding such Public Hearing, notice of the Hearing shall be given in accordance with Section 24.07 of this Resolution. Notwithstanding Section 24.08 of this Zoning Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the area proposed for PUD Zoning classification. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper publication and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed development. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

### **17.06.5**

#### **ZONING COMMISSION REVIEW AND RECOMMENDATION OF PUD APPLICATION**

After a Planned Unit Development application has been determined to be officially filed in accordance with Section 17.05.6 of this Resolution, the

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Zoning Commission shall review and study the application and any accompanying materials. In the course of its study, the Commission may confer with other agencies of government, request additional information or clarification from the applicant, and request additional study and comments from the staff. Within thirty (30) days after completion of the Public Hearing required in Section 17.06.4 of this Resolution, the Zoning Commission shall, by Resolution, recommend to the Township Trustees that the request for Planned Unit Development Zoning classification be approved as presented, or approved with supplementary conditions or modifications, or disapproved. The Commission shall then transmit to the Township Trustees all papers constituting the record and the Resolution containing the Commission's recommendation. If the Commission recommends approval with supplementary conditions, such conditions shall be fully expressed in the recommendation Resolution. Any normally permitted or accessory use that is recommended to be excluded from the specific Planned Unit Development shall be fully identified and expressed in the Commission's Resolution and based upon findings in accordance with Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this Resolution. If the Zoning Commission determines, in order to conduct a sufficient review and make its recommendation, that additional information is required from the applicant or additional study is required, the Commission may table consideration of the application with agreement of the appellant until such additional information is received by the Commission or the Commission's study is complete.

### **17.06.6 CRITERIA FOR ZONING COMMISSION RECOMMENDATION**

Before making a recommendation for approval or approval with supplementary conditions or modifications, as per Section 17.06.5, the Zoning Commission shall find that the facts submitted with the application and presented at the Public Hearing, and any modifications, amendments or supplementary conditions, satisfy the standards and criteria for Planned Unit Development approval as per Section 17.06.9 of this Resolution.

### **17.06.7 BOARD OF TOWNSHIP TRUSTEES PUBLIC HEARING AND NOTICE**

Within ten (10) days after the receipt of the Zoning Commission recommendation and Resolution, the Clerk of Township shall set a date for a Township Trustees Public Hearing and such hearing, notwithstanding Section 24.10 of this Zoning Resolution, shall be held within 30 days thereafter. Before holding such Public Hearing, notice of the Hearing shall be given in accordance with Section 24.11 of this Resolution. Notwithstanding Section

24.12 of this Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the area proposed for PUD Zoning classification. The

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Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper publication and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed development. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

### **17.06.8**

#### **ACTION BY BOARD OF TOWNSHIP TRUSTEES.**

Within twenty (20) days after completion of the Public Hearing as required in Section 17.06.7 of this Zoning Resolution, the Trustees shall, act on the recommendation of the Zoning Commission as defined in Article 24.13. The approval resolution shall fully set forth any and all supplementary conditions for approval, and all standard district permitted or accessory uses excluded from the specific Planned Unit Development shall be fully expressed in the approval resolution and based upon findings in accordance with Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this regulation. If the Trustees determines in order to conduct a sufficient review and make its recommendation that additional information is required from the applicant or additional study is required, the Board may table consideration of the application until such additional information is received by the Board or the Board's study is complete.

### **17.06.9**

#### **CRITERIA FOR PLANNED UNIT DEVELOPMENT ZONING APPROVAL**

A Planned Unit Development zoning classification shall only be approved when the following criteria are satisfied:

1. The Planned Unit Development complies with the purpose and intent of this Zoning Resolution;
2. The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the Township;
3. The proposed zoning and the conditions and requirements incorporated within the Resolution approving the PUD Zoning District provide for minimizing impacts on the surrounding development;
4. The site will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;

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5. Potential impacts on public services and facilities can be mitigated by site and building design and the benefits which will accrue to the Township and the public;
6. Existing and proposed utility services for the proposed residential population densities and nonresidential uses are or will be available to the project;
7. The proposed development complies with applicable requirements and conditions of Section 17.05 of this Zoning Resolution;
8. Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the Township, adequate assurance has been provided by the applicant and to the satisfaction of the Township that such objective will be achieved:
9. Any permitted, conditional, or accessory uses excluded from the specify proposed Planned Unit Development are based upon findings in accordance with Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this Zoning Resolution; and
10. The Planned Unit Development can be substantially completed within the time specified in the schedule of development submitted by the applicant.

### **17.07 APPROVAL PROCEDURES FOR SPECIFIC SITE PLAN**

#### **17.07.1 NOTICE TO APPLICANTS**

Notice is hereby provided to all applicants that:

1. Legislative approval of PUD zoning classification shall not be deemed approval of a specific site plan or approval of a zoning permit,
2. The issuance of a township zoning permit for all or any portion of a PUD project requires Board of Trustees approval of a specific site plan; and
3. In accordance with Sections 17.07.3 and 17.07.4, unless an extended approval period is granted by Township Trustees, approval of any specific site plan shall expire if actual construction has not started in the area of approval for the respective specific site plan within five (5) years from the effective date of Township Trustees approval of the plan.

**17.07.2 REQUIRED SPECIFIC SITE PLAN APPLICATION**

Prior to the issuance of a Zoning permit for any PUD project, a specific site plan application shall be officially filed in accordance with Section 17.05.6 of this Resolution, proceed through the review and approval process as per Sections 17.07.7 through and including 17.07.11, and shall be approved by Township Trustees. The applicant shall submit a specific site plan application only after the subject property has been granted PUD Zoning classification approval, however, an applicant may elect to submit the specific site plan application at the same time as submission of PUD Zoning classification application. If the applicant elects such option, a PUD Zoning classification application, as per Section 17.06.3 of this Zoning Resolution, and a related specific site plan application, as per Section 17.07.5, shall be simultaneously submitted by the applicant and reviewed concurrently by the Township as per Section 17.05.6. All specific site plan applications shall incorporate a minimum area of five (5) acres. In cases in which the total gross area of the property approved for PUD Zoning classification is less than five (5) acres, the specific site plan shall incorporate one hundred percent (100%) of the PUD property. In all cases the area incorporated in a specific site plan shall be contiguous.

**17.07.3 EXPIRATION OF SPECIFIC SITE PLAN APPROVAL**

Unless an extended approval period is granted in accordance with Section 17.07.4 of this Resolution, approval or approval with supplementary conditions of any specific site plan shall expire if, in the judgment and determination of the Township, the actual start of construction has not begun in the approved area of the respective specific site plan within five (5) years from the effective date of Township Trustees approval of the respective Plan. In the event of expiration of an approved specific site plan, the applicant shall start afresh, submit a specific site plan application in accordance with Sections 17.05.6 and 17.07.5 of this Zoning Resolution, and the application shall proceed through the review and approval process as per Sections 17.07.7 through and including 17.07.11.

**17.07.4 EXTENSION OF SPECIFIC SITE PLAN APPROVAL PERIOD**

Upon request by the owner, a one-time only, administrative extension of the five year approval period for a specific site plan may be granted by the Board of Trustees. In the event such an extension is granted the period of extension shall not exceed two (2) years. The owner shall submit a written request for an extended site plan approval period to the Zoning Enforcement Officer.

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The written request shall be submitted no sooner than nine (9) months prior to, but no later than ninety (90) days prior to the expiration date of the approved specific site plan which is the subject of the request for approval period extension. The written request shall include: the necessity for the extension, submission of documentation and evidence that the owner has made a reasonable effort to begin the actual start of construction, the reason(s) why construction has not actually started to date and will not start prior to expiration of the specific site plan, the requested length of time to extend the specific site plan approval period (not to exceed two (2) years), a description of the impact and major effects upon the full PUD project if the requested extension is not approved, a description of the major effects upon the full PUD project if the requested extension is approved, including changes in phasing or staging plans, and a revised time schedule showing the dates when construction will actually start for the area of the specific site plan and, if applicable, the remaining areas of the complete PUD project. Within thirty (30) days from the Zoning Enforcement Officer's receipt of the owner's written request the Zoning Enforcement Officer shall forward the owner's request and the comments and recommendation to the Board of Trustees. Within thirty (30) days after Board of Trustees receives the request and the Zoning Enforcement Officer's comments and recommendation, the Trustees shall take administrative action upon the request. Board of Trustees shall, by Resolution and administrative action, either deny the request for extension, approve the request for extension as submitted, or approve the request for extension for a lesser period of time than requested by the owner. Any extension of approval period for a specific site plan shall become effective and begin to run on the date of Trustees approval of such extension. Trustees shall approve an extended approval period for a specific site plan only when the following conditions are satisfied:

1. The owner has submitted a written request for an extended approval period for the specific site plan;
2. The subject property currently has a PUD Zoning classification;
3. The approval period for the specific site plan has not been previously extended by the Board of Trustees;
4. An extension of approval period for the specific site plan will not cause the Township to breach any PUD agreement made with the owner;
5. The owner, in the judgment of the Board of Trustees, has taken reasonable steps and made reasonable efforts to actually start construction;
6. An extended approval period for the specific site plan will not violate the purpose and intent of Article 17 and this Zoning Resolution;

## Beavercreek Township Zoning Resolution

7. An extended approval period for the specific site plan promotes the health, safety and general welfare of the present and future inhabitants of the Trustees; and
8. The period of extension for the specific site plan does not exceed two (2) years.

### **17.07.5**

#### **SPECIFIC SITE PLAN APPLICATION**

The applicant shall, in accordance with Section 17.05.6, officially file an application for a specific site plan with the Zoning Department, and shall make payment to the Beavercreek Township in an amount equal to the established filing fee applicable to the specific site plan application for the proposed development. As per Section 17.07.6 of this Zoning Resolution, the specific site plan shall substantially conform to the PUD zoning plans, concepts, schedules, development information and conditions as approved or as approved with conditions by Township Trustees. The application shall contain an application original and copies of all application materials in a quantity specified by the Zoning Department. The application shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the applicant. If the applicant is not the sole owner of the subject property, the application shall contain the name, address and telephone number of all owners of the property;
2. Each application shall be signed by the applicant, attesting to the truth and exactness of all information supplied on and with the application. If the applicant is not the owner of the property proposed for the specific site plan, the applicant shall submit a current notarized, written statement from the property owner(s) appointing the applicant as the owner's agent. The statement shall further acknowledge the owner's consent to be bound by the application, by any agreement made by the agent, and by all decisions made by the Township on this matter;
3. The legal description of the property incorporated in the proposed specific site plan;
4. A location map showing the area proposed for specific site plan approval and all properties within five hundred (500) feet from the exterior boundaries of the PUD Zoning property which contains the area proposed for specific site plan approval. The applicant shall provide a list of the names and addresses of all owners of such properties. The names and addresses of property owners shall be those available from the Greene County Auditor's Office and current within fourteen (14) days prior to submission of specific site plan application to the Zoning Department. If the review and approval process of the application is substantially delayed, the Zoning Enforcement Officer may require the

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applicant to submit an updated list of names and addresses of owners of such properties;

5. A detailed site plan at a scale no smaller than one inch equals one hundred feet (1" = 100'), showing at minimum, the location, outline and use of all structures, all proposed public and private rights-of-way, vehicular streets and parking areas, pedestrian walkways and paths, any bikeways, any proposed recreation facilities and areas, and any sites for public facilities. If the proposed project is a multiple PUD project, the detailed site plan may incorporate portions of individual PUDs that compose the multiple PUD. The applicant shall furnish an 8 1/2" x 11" transparency of this information suitable for projection by use of an overhead transparency projector onto a viewing screen:
6. All proposed vehicular parking areas shall be shown by total number of spaces, setbacks from structures and lot lines, dimensions of each parking space, location and dimensions of handicapped parking spaces, access aisles, points of ingress and egress, and landscaped areas. Fire lanes and location of "Fire Lane - No Parking" signs shall be shown;
7. The dimensions, height, gross floor area, entrances and setbacks of all structures;
8. The principal type of use, gross leasable floor area and entrances for all proposed business, office, industrial and nonresidential structures;
9. Right-of-way width and street names for all proposed public and private streets and rights-of-way;
10. A map with contour intervals of two (2) feet which shows the proposed final topography of the development site;
11. Engineering studies and plans showing, to the extent determined appropriate by the Township, street improvements, nature and extent of earth work required for site preparation and development, location and size of water, sanitary sewer and storm drainage control systems, and waste disposal facilities;
12. Location of fire hydrants and any fire connections to buildings;
13. Any proposed street widening improvements and turn lane improvements adjacent to the project area;
14. Landscaping plans including the location and size of all landscaped areas, the location of all natural screening devices, type (species) and location of proposed vegetation, location and type of exterior materials

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of man made screening devices, and initial (planting) and permanent (mature) height of all screening and buffering;

- 15. Lighting plans showing location and type of all proposed external lighting of parking, building and landscaped areas, streets and accessways;
- 16. The amount of open space and its percentage of developed area for each phase of development;

Effective May 24, 2006

- 17. When a Planned Unit Developer includes provisions for common open space, private streets and private right-of-ways, recreational facilities, or drainage control facilities, a statement describing the provisions for the care and maintenance thereof is required. If it is proposed that such open space or facility be owned and/or maintained by any entity other than a government authority, copies of proposed documents assuring maintenance and care off covenants running with the land shall be submitted; provided however, any such document that may be applicable to a later phase of development of a Planned Unit Development to not need to be re-submitted if they have been previously submitted and reviewed in connection with an earlier phase of development of the same Planned Unit Development and have not been modified subsequent to such previous submission.

Based on a recommendation by the RPCC, the text will be modified to also include general language addressing the addition of a statement on the subsequent Specific Site Plan(s) identifying where above mentioned documentation is recorded and that the Specific Site Plan is subject to the previously reviewed and recorded documentation.

- 18. Any additional information that may be required by the Zoning Enforcement Officer or Planning Director within fifteen (15) days of the date of submission.

**17.07.6**

**SPECIFIC SITE PLAN CONFORMANCE WITH APPROVED PUD**

An officially filed specific site plan shall substantially conform to the PUD zoning plans, concepts, schedules and development information as approved by Board of Trustees. If the Zoning Enforcement Officer or the Planning Director or the Zoning Commission determines that the officially filed specific site plan does not substantially conform, the applicant may either modify the specific site plan to the extent necessary for substantial conformance and resubmit for review, or start afresh and submit a new specific site plan for review, or apply for an amendment to the PUD Zoning classification Resolution. Notwithstanding Section 17.05.6 of this Zoning

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Resolution, a submitted specific site plan shall not be considered officially filed if the Zoning Enforcement Officer determines prior to Zoning Commission review that the submitted specific site plan does not adhere to the substantial conformance requirement.

At the discretion of the Zoning Commission, a submitted specific site plan that contains modifications to the plans, concepts, schedules and development information as approved by Board of Trustees, may be determined to substantially conform. In no event shall a specific site plan be determined to substantially conform if the specific site plan involves changes in permitted uses as per Section 17.09 of this Resolution, or changes which result in exceeding any limitation or any maximum amount imposed by an Resolution originally granting or amending the PUD Zoning classification for the subject property.

### **17.07.7 ZONING COMMISSION PUBLIC HEARING AND NOTICE**

The Zoning Commission shall hold a Public Hearing on an officially filed specific site plan application not less than twenty (20) no more than forty (40) days after the application's official filing date. Before holding such Public Hearing, notice of the Hearing shall be given in accordance with Section 24.07 of this Zoning Resolution. Notwithstanding Section 24.08 of this Zoning Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the PUD Zoning property which contains the area proposed for specific site plan approval. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper publication and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed specific site plan. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

### **17.07.8 RECOMMENDATION BY ZONING COMMISSION**

Within thirty (30) days after completion of the Public Hearing required in Section 17.07.7, the Zoning Commission shall take administrative action and, by Resolution, recommend to the Township that the submitted specific site plan be approved as presented, or approved with supplementary conditions or modifications, or disapproved. The Commission shall then transmit all papers constituting the record and the Resolution containing the Commission's recommendation to the Board of Trustees. All Resolutions for specific site

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plan recommendations to Board of Trustees shall indicate the Commission is taking administrative action, and if the Commission's recommendation is for approval with supplementary conditions, the Resolution shall fully express such conditions. If the Zoning Commission determines in order to conduct a sufficient review and make its recommendation that additional information is required from the applicant or additional study is required, the Commission may table consideration of the application until such additional information is received by the Commission or the Commission's study is complete.

### **17.07.9**

#### **CRITERIA FOR ZONING COMMISSION RECOMMENDATION**

Before making a recommendation for approval or approval with supplementary conditions in accordance with Section 17.07.8 of this Zoning Resolution, the Zoning Commission shall find, by Resolution, that the facts submitted with the specific site plan application and presented at the Public Hearing, and any modifications, amendments or supplementary conditions, satisfy the standards and criteria for specific site plan approval as per Section 17.07.12 of this Resolution.

### **17.07.10**

#### **BOARD OF TRUSTEES PUBLIC HEARING AND ACTION**

Within ten (10) days after the receipt of the Zoning Commission recommendation, the Clerk of the Township shall set a date for a public hearing and such hearing, notwithstanding Section 24.10 of this Resolution, shall be held as soon as reasonably possible thereafter. The Public Hearing shall be for the purposes of taking administrative action on the proposed specific site plan. Following the scheduled hearing the Township Trustees shall, by motion, either approve, approve with supplementary conditions, or disapprove the proposed specific site plan. Approval of such motion requires a vote of at least two (2) members of the Board of Trustees. If the Board of Trustees approves the specific site plan with supplementary conditions, the motion for approval shall fully set forth such conditions and be fully recorded in the meeting minutes. As the basis for Trustees approval of a specific site plan, with or without supplementary conditions, Trustees shall find that the facts submitted with the application and any accompanying materials, and any modifications, amendments or supplementary conditions satisfy the standards and criteria for specific site plan approval as per Section 17.07.12 of this Zoning Resolution. If the standards and criteria of Section 17.07.12 are not satisfied, Trustees shall disapprove the specific site plan and shall make findings of fact indicating which particular standards and criteria are not satisfied. If the Board of Trustees determines in order to conduct a sufficient review and make its decision that additional information is required from the applicant or additional study is required, the Board of Trustees may table consideration of the application until such additional information is received by the Trustees or the Trustee's study is complete.

**17.07.11 NOTICE OF BOARD OF TRUSTEES PUBLIC HEARING**

Before holding the Public Hearing specified in Section 17.07.10 of this Resolution, notice shall be provided in accordance with Section 24.11 of this Resolution. Notwithstanding Section 24.12 of this Resolution, notice shall also be provided by first class mail at least ten (10) days prior to the date of the Hearing, and such notice shall be deemed given on the date of mailing. Mailed notices shall be provided to all owners of property within five hundred (500) feet from the exterior boundaries of the PUD Zoning property which contains the area proposed for specific site plan approval. The Township, at its discretion and in lieu of mailed notice, may provide notice by other alternative means such as hand delivery of written notice. Mailed, newspaper, and any forms of notice utilized in lieu of mailed notice shall set forth the time and place of the Public Hearing and the nature of the proposed specific site plan. The failure to deliver the notice as provided in this Section shall not invalidate the public hearing or any decision on the application.

**17.07.12 STANDARDS AND CRITERIA FOR SPECIFIC SITE PLAN APPROVAL**

A specific site plan shall only be approved when the following standards and criteria are satisfied:

1. The specific site plan complies with the purpose and intent of this Zoning Resolution;
2. The proposed development carries out the purpose and intent of the Land Use Plan;
3. The proposed development promotes the health, safety and general welfare of the present and future inhabitants of the Township;
4. The specific site plan substantially complies with the substantial conformance requirement of Section 17.07.6 of this Resolution;
5. The proposed development has no significant detrimental impact that outweighs the development's benefits to the community;
6. The proposed streets and driveways on the site of the proposed development will be adequate to serve the residents, occupants or users of the proposed development, and the specific site plan, along with any necessary off-site vehicular circulation improvements, provides adequate vehicular ingress and egress and will be accessible from current or planned public thoroughfares adequate to carry traffic which will be imposed upon them by the proposed development;

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7. The proposed development minimizes conflicts between vehicular, pedestrian and bicycle circulation patterns and movement;
8. The benefits of the proposed development mitigate any burden on public services and facilities, including fire and police protection;
9. Existing and proposed utility services for residential population densities and nonresidential uses are adequate for the projected demand during all phases of development and at full completion of development;
10. The proposed development complies with applicable requirements and conditions of Section 17.05 of this Resolution;
11. Each individual section or subarea of the development, as well as the total development, can exist as a functionally independent environment. In the alternative and at the discretion of the Township, adequate assurance has been provided by the applicant and to the satisfaction of the Township that such objective will be achieved;
12. The design and other amenities incorporated in the proposed development will provide increased benefits to the residents, occupants, users and the community and such design and other amenities are in accord with the Planned Unit Development provisions of this Zoning Resolution and other applicable resolutions of the Township; and
13. The proposed development contains such covenants, easements, and other such forms of property rights and control as may reasonably be required for the maintenance and care of common, private facilities and for the public health, safety and welfare. If governmental ownership of common open space, recreational facilities, or other common facilities is planned, a copy of its acceptance has been filed with the application.

### 17.08

#### **PLANNED UNIT DEVELOPMENT OBLIGATION AND BINDING AND ENFORCEABLE CONDITIONS**

If any portion of property included in a Planned Unit Development is sold or leased, the PUD Zoning classification and specific site plan obligations shall continue to be binding upon all subsequent owners or lessees, regardless of the acreage involved in the sale or lease. As a matter of procedure, all terms and conditions of any Planned Unit Development Zoning classification and specific site plan that were approved by the Township Trustees in the past or may be approved in the future shall remain binding upon and enforceable against the subject tract of land, except to the extent modified in accordance with Sections 17.11.2 and 17.11.3 of this Resolution.

**17.09 MODIFICATIONS TO PUD PERMITTED USES**

The permitted uses for an approved PUD development include all uses identified as permitted and accessory uses for the type of PUD District under which the PUD development was approved, except those uses expressly identified as excluded uses in the Resolution granting PUD Zoning approval for the subject property (Example: The permitted uses for an approved C-PUD development include all uses permitted in the C-PUD District, except any uses listed as excluded uses in the Resolution which granted C-PUD zoning for the property on which the development is located). Upon PUD Zoning approval, an applicant is not required to develop all uses permitted for the applicant's specific PUD development, however, an applicant shall only develop those uses permitted for the specific PUD development. Any request to modify or change the permitted uses of a specify PUD development, as such uses are identified in Sections 17.12.2, 17.13.2, 17.14.2 and 17.15.2 of this Zoning Resolution, and as may be conditioned by the original Resolution granting PUD Zoning classification for the subject property, requires an amendment to such Resolution. Upon a request to modify or change the permitted uses for a specific PUD, the Township, at its discretion, shall require the applicant to either submit a new, full application in accordance with Section 17.06.3 of this Resolution, or submit a modified PUD Zoning application, or submit supplementary materials to accompany the original PUD Zoning application materials. In all cases, proposed amendments to the original zoning ordinance shall be subject to review and approval procedures in accordance with Sections 17.06.4 through and including 17.06.9 of this Resolution.

**17.10 SIMILARITY OF USES AND CONDITIONAL USES**

**17.10.1 SIMILARITY OF USES**

Notwithstanding Section 22.07(2) of this Zoning Resolution, the Zoning Commission shall have the appropriate power and duty to determine if uses not specifically mentioned in this Zoning Resolution are similar to uses permitted in Planned Unit Development Districts. In no event shall a determination of similarity of use by the Zoning Commission overrule a Board of Trustees determination of exclusion of uses from a specific PUD, and the Resolution originally granting or amending PUD Zoning classification shall govern. If a PUD Zoning classification application includes a list of intended uses which requires a determination of similarity, the Zoning Commission shall make such determination at the time of its review and recommendation on the PUD Zoning application.

**17.10.2 PUD CONDITIONAL USES**

Notwithstanding Section 22.07(5) of this Zoning Resolution, the Board of Trustees shall have the appropriate power and duty to hear and decide upon applications for conditional uses which are requested to be approved uses within a PUD. The Zoning Commission shall make a recommendation of approval, denial, or approval with conditions for PUD conditional use applications. After receipt and consideration of the Commission recommendation, the Trustees shall either approve, deny or approve with conditions the conditional use application. In approving a PUD conditional use application, the Trustees may attach appropriate conditions and safeguards in conformity with the provisions of this Zoning Resolution and the Commission's recommendation. Approval of a conditional use application shall expire one (1) year after the effective date of Board of Trustees approval, unless actual construction has started for the conditional use.

**17.11 MODIFICATIONS TO APPROVED SPECIFIC SITE PLANS**

Requests to modify an approved specific site plan, when such requested modification does not involve a change of permitted uses for the specific PUD, may be approved by administrative action. Requests to modify shall be in writing and signed by the property owner. The Zoning Enforcement Officer shall determine the type and amount of any additional information necessary for consideration of the modification. Modifications shall be considered either major, minor or incidental, and shall be approved or disapproved by administrative action in accordance with sections 17.11.1, 17.11.2 and 17.11.3 of this Zoning Resolution. Requests to modify an approved specific site plan which involve a change of PUD permitted uses shall be considered a modification to PUD permitted uses and shall comply with Section 17.09 of this Resolution.

**17.11.1 MAJOR MODIFICATIONS**

Major modifications are defined as modifications which do not change the PUD's permitted uses and do not exceed any of the limitations and conditions of the PUD's approval resolution, and which result in: (a) an increase of five percent (5%) or more in building coverage; (b) a five percent (5%) or greater increase in dwelling unit density; (c) a significant redesign of roadways, or drainage; (d) an increase of greater than five feet (5 feet) in the height of a building or structure; (e) major redesign of a building which significantly alters the central architectural design or theme of the building; or (f) modifications not considered to be of minor or incidental character. Major modifications to an approved specific site plan require resubmission of a specific site plan application in accordance with Section 17.07.5 of this Zoning Resolution. At its discretion and in lieu of compliance with Section 17.07.5, the Zoning Commission may require the applicant to either submit a modified application or submit supplementary materials to accompany the

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original specify site plan application materials. In all cases major modifications to approved specify site plans shall be subject to review and approval procedures in accordance with Sections 17.07.6 through and including 17.07.12 of this Resolution.

### **17.11.2 MINOR MODIFICATIONS**

Minor modifications are defined as modifications which do not change the PUD's permitted uses and do not exceed any of the limitations and conditions of the PUD's approval resolution, and which result in: (a) an increase of less than five percent (5%) in building coverage; (b) an increase of less than five percent (5%) in dwelling unit density; (c) changes not exceeding twenty-five (25) feet in building location not affecting front yard setbacks from streets or setbacks from exterior property lines of the PUD; (d) an increase of more than two (2) feet but less than five (5) feet in the height of a building or structure; (e) minor redesign of a building such as significant alterations to exterior materials or colors, provided the redesign does not significantly alter the central architectural design or theme of the building; or (f) changes not considered to be of major or incidental modification character. The Zoning Commission shall, by motion, approve or disapprove minor modifications to approved specific site plans. Such approval shall be based on a Commission determination that the modifications are not in conflict with the intent and character of the approved specific site plan and such modifications do not change the permitted uses for the specific PUD. Minor modifications do not require a Public Hearing and Zoning Commission's decision shall be final.

### **17.11.3 INCIDENTAL MODIFICATIONS**

Incidental modifications are defined as modifications which do not change the PUD's permitted uses and do not exceed any of the limitations and conditions of the PUD's approval resolution, and which result in: (a) less building coverage due to decreasing the size of structures; (b) a decrease in the number of structures; (c) a decrease in the number of dwelling units in a R-PUD or MX-PUD; (d) minor redesign of PUD streets, such as adjustments in a turning radius; (e) minor redesign, such as a realignment, of pedestrian circulation facilities or parking or loading areas; (f) changes in landscaping or screening materials that do not alter the intended function of the landscaping or screening; (g) an increase of two (2) feet or less in the height of a building or structure; (h) minor revisions of building elevations such as realignment of major building entrances or window placement, or insignificant alterations to exterior building materials or colors, provided the revisions do not alter the central design or architectural theme of a building; or (i) changes not considered to be of minor or major modification character. The Zoning Enforcement Officer and Director shall approve or disapprove incidental

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modifications to approved specific site plans. Such approval shall be based on the Zoning Enforcement Officer determination that the modifications are not in conflict with the intent and character of the approved specific site plan and such modifications do not change the permitted uses for the specific PUD. In the alternative and at the discretion of the Zoning Enforcement Officer, the Zoning Enforcement Officer may request that incidental modifications be approved by the Zoning Commission.

### **17.11.4**

No use shall be established or changed and no structure shall be constructed on any portion of a Planned Unit Development until the final subdivision plat for that portion has been approved and recorded in compliance with the Subdivision Regulations for Greene County, Ohio, except as permitted in this Section.

If development of streets, utilities or other improvements that are to be publicly dedicated begins on any portion of a Residential Planned Unit Development before the plat for that portion has been recorded, the Zoning Enforcement Officer will, upon the developer's application, issue a township zoning permit authorizing the construction of one residential dwelling to commence before recording of the plat for that portion under the following conditions:

1. The proposed residential dwelling must conform to the main use permitted under the zoning classification and specific site plan requirements applicable to that portion of the Planned Unit Development in which the residential dwelling is to be located; and
2. The proposed residential dwelling must comply with all setback requirements applicable to the lot on which it will be located according to the approved plat; and
3. The property upon which the residential dwelling is to be located must remain titled in the name of the developer and cannot be conveyed to any other person or entity until the plat for that portion of the Planned Unit Development is recorded; and
4. No permanent or temporary use or occupancy of the residential dwelling will be permitted for any purpose until the plat for that portion of the Planned Unit Development is recorded; and
5. The developer must assume all risk and responsibility that the location of the residential dwelling will conform to all setback and other siting requirements applicable to the lot on which it is located after recording of the plat.

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6. Only one pre-platting zoning permit authorizing one residential dwelling can be issue for each phase of the Planned Unit Development that is to be platted separately.
7. The pre-platting zoning permit will also cover other necessary site improvements that are directly related to the residential dwelling including driveways, sidewalks, mailboxes, lampposts and similar features.
8. No more than one stucture is permitted on any parcel.
9. The exception and conditions for obtaining a pre-platting zoning permit under this section only apply to Residential Planned Unit Developments. Pre-platting zoning permits are not available for any other type of Planned Unit Development.

The process for applying for the pre-platting zoning permit authorized under this section will be the same as for zoning permits that are issued after plat recording

*Approved: December 19, 2005*

*Effective: January 19, 2006*

**17.12 R-PUD: RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS**

**17.12.1 PURPOSE**

This District is intended to provide flexibility in the arrangement and design of residential dwellings, based upon a unified development plan conceived and carried out for the entire PUD tract. Within this District, appropriate and reasonable population density is maintained while a variety of dwelling unit types is permitted. Developers are encouraged to retain, to the degree possible, natural features such as topography, trees, and drainage ways. Such developments are generally characterized by a significant proportion of usable open space, a unified design concept with particular attention devoted to the periphery of the development, with the objective of compatibility of the development with its surroundings.

**17.12.2 R-PUD PERMITTED AND CONDITIONAL USES**

1. Those uses included as permitted and accessory uses in the following listed Residential Districts are permitted in a R-PUD District: ES-2.5, R-1AA, R-1A, R-1B, R-2, R-3, and R-4. One or more of these permitted and accessory uses may be excluded from the specific R-PUD when the Board of Trustees determines that the specific permitted or accessory use normally allowed in the listed Residential Districts is inappropriate for

the specific R-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:

- i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; and
  - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and
  - iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Code and the issuance of a conditional use permit, those uses included as conditional uses in the following listed residential districts are allowed in a R-PUD: ES-2.5, R-IAA, R-IA, R-IB, R-2, R-3 and R-4.

### **17.12.3**

#### **COVERAGE**

For R-PUD developments, the coverage of the total gross area of the development shall not exceed forty-five percent (45%). For the purposes of this Section, coverage shall be interpreted to include the area covered by all buildings, all parking areas, all driveways, and all public and private streets and paved rights-of-way. Structures and other impervious surfaces included within, and developed as an integral part of an area of open space may, at the sole discretion of the Zoning Commission and the Board of Trustees, be excluded from the coverage of the total gross area percentage. Developers of R-PUDs are encouraged to achieve an approximate equal distribution of coverage for each individual phase or subarea of the total PUD.

**17.12.4 LAND USE DENSITY**

The overall gross density of an R-PUD shall not exceed eight (8) dwelling units per acre. In this Section gross density shall be interpreted to mean the measure of residential land use intensity, calculated by dividing the total number of dwelling units proposed for the site by the total acreage of the site. (Example: 43 total dwelling units divided by 10 acres = 4.3 dwelling units per acre).

**17.12.5 BUILDING HEIGHT**

No building shall be erected in excess of fifty (50) feet in height, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

**17.12.6 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS**

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

**17.12.7 SIGNS**

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

**17.13 C-PUD COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICTS**

**17.13.1 PURPOSE**

This District is intended to provide for the development of business, office and commercial establishments within a unified commercial area and plan of development. Within this District, business, office and commercial establishments can be flexibly located to achieve compatible exterior physical design, to utilize the site more efficiently than allowed by standard zoning regulations, to take advantage of natural features of the site, to achieve a higher degree of pedestrian and vehicular separation, to eliminate undesirable features of strip commercial development, to reduce vehicular traffic conflicts within the site and with public rights-of-way, and to enhance compatibility of the development with its surroundings.

**17.13.2 C-PUD PERMITTED AND CONDITIONAL USES**

1. The following listed uses are included as permitted and accessory uses in the C-PUD Zoning District: Convention, Conference and Banquet Facilities, and those uses included as permitted and accessory uses in the B-2, B-3, B-4, and O-1 Zoning Districts. One or more of these permitted and accessory uses may be excluded from the specific C-PUD when the Board of Trustees determines that the specific permitted or accessory use is inappropriate for the specific C-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
  - i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; and
  - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and
  - iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.

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- 2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Resolution and the issuance of a conditional use permit, those uses included as conditional uses in the following listed Zoning Districts are allowed in a C-PUD: B-1, B-2, B-3, B-4, and O-1.

**17.13.3 LAND USE INTENSITY**

For C-PUD developments, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

<u>Maximum Coverage By All Buildings</u>	<u>Maximum Coverage By All Buildings and Impervious Surfaces</u>
30%	70%

**17.13.4 BUILDING HEIGHT**

The maximum height of any building in a C-PUD District shall be fifty (50) feet, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

**17.13.5 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS**

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

**17.13.6 SIGNS**

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

**17.14 MX-PUD: MIXED USE PLANNED UNIT DEVELOPMENT DISTRICTS**

**17.14.1 PURPOSE**

This District is intended to provide for the development of business, office and commercial establishments, and varied residential living opportunities within a unified plan of development. An MX-PUD must include residential uses. Within the planned development, selected residential uses can be integrated with commercial, business and office establishments, or developed as a subarea with residential neighborhood characteristics. This District provides for flexibility in locating uses, allows for utilization of the site more efficiently than standard zoning regulations, allows for advantageous use of natural features of the site, and allows for residential uses to be selectively integrated with or separated from business, commercial or office establishments.

**17.14.2 MX-PUD PERMITTED AND CONDITIONAL USES**

1. The following listed uses are included as permitted and accessory uses in the MX-PUD Zoning District: Hotels, Motels, Convention, Conference and Banquet Facilities, and those uses included as permitted and accessory uses in the R-4, B-3 and O-1 Zoning Districts. The following uses are not permitted in an MX-PUD District: drive-in theaters, veterinary clinics, veterinary hospitals, and veterinarians with kennels. One or more of these permitted and accessory uses may be excluded from the specific MX-PUD when the Board of Trustees determines that the specific permitted or accessory use is inappropriate for the specific MX-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
  - i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses, or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection; and
  - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and

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- iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Resolution and the issuance of a conditional use permit, those uses included as conditional uses in the following listed Zoning Districts are allowed in a MX-PUD: R-4, B-3, and O-1.

**17.14.3 LAND USE INTENSITY**

For MX-PUD developments, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

<u>Maximum Coverage By All Buildings</u>	<u>Maximum Coverage By All Buildings and Impervious Surfaces</u>
30%	70%

**17.14.4 MX-PUD RESIDENTIAL USES**

Residential uses in MX-PUD Districts are intended to be developed as separate, residential subareas of the MX-PUD, with a primary residential character, or above business, commercial and office uses. Residential uses shall only be developed in MX-PUD Districts when the following conditions are satisfied.

1. A residential use shall only be developed at grade level, or at grade level and higher, provided a non-residential use is not planned or developed within a horizontal distance of at least one hundred (100) feet from the residential use. The Zoning Commission may recommend and the Board of Trustees may impose a distance greater than one hundred (100) feet.
2. If a non-residential use is planned or developed within a horizontal distance of less than one hundred (100) feet from a residential use, residential uses shall be developed only at the second story or higher of buildings in which grade level use is a business, office or commercial MX-PUD District permitted, or accessory or approved conditional use.
3. The overall gross residential density of a MX-PUD shall not exceed eight (8) dwelling units per acre. In this Section gross residential density shall be the measure of residential land use intensity, calculated by dividing the total number of dwelling units proposed for the site by the total acreage of the site.

**17.14.5 BUILDING HEIGHT**

The maximum height of any building in a MX-PUD District shall be fifty (50) feet, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations.

**17.14.6 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS**

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

**17.14.7 SIGNS**

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.

**17.15 I-PUD: INDUSTRIAL PLANNED UNIT DEVELOPMENT DISTRICT**

**17.15.1 PURPOSE**

This District is intended to provide for the development of varied or similar industrial establishments within a unified industrial area and plan of development. Within this District, industrial establishments can be flexibly located to achieve compatible exterior physical design, to utilize the site more efficiently than allowed by conventional development standards, to take advantage of natural features of the site, to achieve a higher degree of pedestrian and vehicular separation, to comprehensively provide for necessary services and facilities in accordance with a predetermined plan, to reduce vehicular traffic conflicts within the site and with public rights-of-way, and to enhance compatibility of the development with its surroundings.

**17.15.2**

**I-PUD PERMITTED AND CONDITIONAL USES**

1. Those uses included as permitted and accessory uses in the I-1 Zoning District are permitted in an I-PUD district. One or more of these permitted, accessory and conditional uses may be excluded from the specific I-PUD when the Board of Trustees determines that the specific permitted or accessory use normally allowed in the I-1 Zoning District is inappropriate for the specific I-PUD development. Such exclusion(s) shall be based upon at least one of the following findings that the specific excluded use:
  - i. Cannot be serviced by adequate public utilities; or presents the potential for significant environmental damage and a satisfactory plan of mitigation has not been provided by the applicant; or is inconsistent with the overall character and other uses of the proposed PUD; or is inappropriate for the topography of the site; or is incompatible with surrounding legal land uses or other approved land uses; or is inconsistent with the Land Use Plan or other approved plans of the Township; or will create hazardous traffic conditions; or will impose an unmitigated burden on public services and facilities, such as fire and police protection, and
  - ii. Will not promote the purpose and objectives of the Planned Unit Development provisions of this Resolution; and
  - iii. Does not advance the general welfare of the community and the immediate vicinity and will adversely affect or impact adjoining or surrounding development without satisfactory mitigation measures.
2. Upon approval by the Board of Trustees in accordance with Section 17.10.2 of this Zoning Resolution and the issuance of a conditional use permit, those uses included as conditional uses in the I-1 Zoning District are allowed in an I-PUD.

Effective June 7, 1998

3. When specifically listed in the I-PUD approval, those uses included as permitted uses and accessory uses in the O-1 and B-3 zoning districts may be permitted in an I-PUD as conditional uses in accord with Section 17.10.2 of this Zoning Resolution.

**17.15.3**

**LAND USE INTENSITY**

For I-PUD developments, the maximum land use intensity and lot coverage by all buildings, and by buildings and all other impervious surfaces is as follows:

<u>Maximum Coverage By All Buildings</u>	<u>Maximum Coverage By All Buildings and Impervious Surfaces</u>
35%	70%

**17.15.4 BUILDING HEIGHT**

The maximum height of any building in an I-PUD District shall be fifty (50) feet, except, at the discretion of the Board of Trustees, the maximum height may be increased when such increase is determined to improve site design and the overall aesthetic quality of the development, does not adversely affect surrounding neighborhoods and public facilities, does not obscure light and air sources to immediately surrounding structures, and satisfies applicable fire and safety regulations, and is necessary for the operation of a proposed industrial use.

**17.15.5 REQUIREMENTS FOR SCREENING, ACCESSORY PARKING, AND LOADING AND UNLOADING AREAS**

All screening and buffering shall meet the requirements of Section 18.17 of this Zoning Resolution, accessory parking shall meet the requirements of Section 18.16 of this Resolution, and loading and unloading areas shall meet the requirements of Section 18.15. Upon approval of the Board of Trustees, any of these requirements may be modified, provided that such modification will increase benefits to the community that are derived from the development, will improve site design, will not adversely affect surrounding neighborhoods and public facilities, and the purpose of such modification is not to circumvent the intent of the respective section.

**17.15.6 SIGNS**

See Article 20 of this Zoning Resolution for size and location of permitted signs. In conjunction with and at the same time as submission of a specific site plan application, applicants may submit a proposed sign limitation and control package specifically fashioned for the PUD development.