

Article 7: Planned Unit Development (PUD)

7.01: Establishment of Planned Unit Development Types

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

- A)** "PUD-R" – Planned Residential Use - A planned unit development where the primary use of land is residential with the ability to include public, institutional, and recreational uses as approved by the Township.
- B)** "PUD-MU" – Planned Mixed-Use – A planned unit development that includes a mixture of residential, commercial, and office uses as specified in this article with the ability to also include public, institutional, and recreational uses as approved by the Township.
- C)** "PUD-B" – Planned Business Use – A planned unit development where the primary use of land is commercial, office, and/or industrial with the ability to include public, institutional, and recreational uses as approved by the Township.

7.02: Purpose Statements

A) Overall Purpose

This article is intended to permit the creation of Planned Unit Development Districts (PUDs) to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Such districts may be permitted as amendments to the Pierce Township Zoning Map, on application and approval of specific and detailed plans where tracts suitable in location and character for the uses and structures proposed are to be planned and developed. Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Pierce Township. The Township's character is related to the physical attributes of the Township, including its land use patterns and natural resources. The PUD district is intended to achieve the following land use objectives:

- 1)** Provide a variety of housing and lot sizes to promote the planning of a development that is more sensitive to the protection of natural resources on sites by clustering the housing in areas physically suited to accommodating development and preserving the resources in open space.
- 2)** Encourage the protection of open space by permitting developments with a range of densities that also provide open space, consistent with the open space character of the surrounding area.
- 3)** Preserve open spaces to reduce erosion, improve water quality, provide wildlife habitats, retain scenic views, and reduce storm water runoff.
- 4)** Preserve areas with steep terrain by respecting topography and other natural features in the development plan and maintaining significant percentages of land in open space in wooded and sloped areas.
- 5)** Provide for a variety of housing types in a single unified development that is integrated into the community.
- 6)** Provide a transition between higher densities in the area around the Village of Amelia as a transition between the Village and existing neighborhoods in the Township.
- 7)** Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.

- 8) Provide a higher level of design review to ensure attractive, well-planned communities and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.
- 9) Respect the balance between building mass or volume and vegetation mass or volume by considering scale relationships between the new development and existing buildings and the landscape.

B) Individual District Purpose Statements

The PUD districts shall have the following purposes:

1) Planned Residential Uses (PUD-R)

For residential uses within a PUD, the objective is to encourage the creation of neighborhoods with a variety of housing types that retain natural resources, provide adequate landscaping and open space areas, and are compatible with the character of adjoining land uses.

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

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

7.03: Procedure

A) Planned Unit Development (PUD) Initiation

- 1) PUDs may be initiated by the property owner or an agent of the property owner.
- 2) In cases where multiple property owners are involved, the application shall include a “consent to rezone” letter(s) from all property owners. The “consent to rezone” letter(s) shall designate a single contact or agent who will be responsible for contact with the Township.
- 3) The Zoning Commission or Board of Trustees may initiate a PUD zone change in compliance with the Ohio Revised Code 519.021 (C) whereby the PUD zoning district will be an overlay providing a property owner the choice between choosing to utilize the PUD zoning or the underlying zoning district. A property owner may choose to use the approved PUD zoning by submitting an application accepting the PUD zoning as approved and completing the PUD Preliminary and Final Development Plan reviews and approvals.

B) Concept Plan Review and PUD Zoning Map Amendment Procedure

1) Concept Plan Review

(a) Step 1 – Preapplication Conference and Meetings

- (i) The applicant should meet with the Zoning Inspector to discuss the initial concepts of the proposed PUD and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (ii) During this time, an applicant may also request an informal public meeting with the Zoning Commission to discuss the initial concepts.

- (iii) Discussions that occur during a preapplication conference or meetings with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Pierce Township or its officials regarding any aspects of the plan or application discussed.

(b) Step 2 – Concept Plan Application and PUD Zoning Map Amendment

- (i) Following at least one Concept Plan Review preapplication conference or meeting to discuss the initial concepts (Step 1), the applicant shall submit an application for a PUD zoning map amendment and concept plan review.
- (ii) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. (See Sections 7.03 (B) (2) Additional Requirements and (3) Crucial Features and 7.05 (A) Concept Plan Requirements)
- (iii) Each application shall be signed by all of the owners or the owners' authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications, except when initiated by the Board of Trustees or Zoning Commission.
- (iv) All applications shall be submitted with the required fees as established in the Pierce Township fee schedule.
- (v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.
- (vi) The applicant shall submit the concept plan simultaneously with the application for a PUD zoning map amendment.

(c) Step 3 – Site Visit

- (i) Upon the filing of an application for a concept plan and PUD zoning map amendment (Step 2), the applicant is strongly encouraged to schedule a site visit with the Zoning Commission.
- (ii) Upon completion of a site visit, the Zoning Commission shall, at their next regularly scheduled meeting, disclose any discussions held with the applicant during the site visit related to the proposed development.
- (iii) The site visit shall be noticed in accordance with State law.

(d) Step 4– Referral to the Clermont County Planning Commission

- (i) Upon receipt, the Township shall submit a copy of the application, to the Clermont County Planning Commission.
- (ii) The Clermont County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed concept plan and PUD zoning map amendment and shall submit such recommendation to the Zoning Commission.
- (iii) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed concept plan and PUD zoning map amendment.

(e) Step 5 – Public Hearing with the Zoning Commission

- (i) Upon the filing of an application for a concept plan and PUD zoning map amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed concept plan and PUD zoning map amendment.
- (ii) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
- (iii) Notification shall be given in accordance with Section 519.12 of the ORC.

(f) Step 6– Recommendation by the Zoning Commission

Within 30 days after the Zoning Commission's public hearing (Step 5), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed concept plan and PUD zoning map amendment and submit such recommendation together with such application, concept plan, and recommendation of the Clermont County Planning Commission to the Board of Trustees.

(g) Step 7 – Public Hearing with the Board of Trustees

- (i) Upon receipt of the recommendation from the Zoning Commission (Step 6), the Board of Trustees shall set a time for a public hearing on such proposed concept plan and PUD zoning map amendment.
- (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (iii) Notification shall be given in accordance with Section 519.12 of the ORC.

(h) Step 8 – Decision on Concept Plan and Map Amendment

- (i) Within 20 days after its public hearing (Step 87), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
- (ii) Approval of the concept plan shall include density, intensities, land uses and their inter-relationship.
- (iii) The Board of Trustees' decision on the concept plan and PUD zoning map amendment is a legislative action of the Board of Trustees and is subject to the same effective date and referendum provisions as set forth in Section 3.06 (C) (Effective Date and Referendum). After approval of the concept plan and PUD zoning map amendment, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.
- (iv) Once the PUD zoning map amendment is effective, the requirements for PUDs in Sections 7.03 (E) (Preliminary Development Plan Review Procedure) and (D) (Final Development Plan Review Procedure), along with the approved concept plan, and any approved conditions, shall apply to the future development of the property, if the property is developed as a PUD.

2) Additional Requirements for the Concept Plan

In approving a concept plan, the Township shall establish the maximum density of the PUD. The project density approved by the Board of Trustees in the concept plan shall be subject to the development standards of this resolution and any conditions of the approved concept plan. If the applicant cannot achieve the maximum approved density, then the applicant shall be limited to the density achieved from the application of the standards and any conditions.

3) Crucial Features of the PUD (Concept Plan)

- (a)** The Township may incorporate a list of “crucial features of the PUD” as part of a concept plan approval with additional crucial features to be designated in the preliminary and final development plans approval process.
- (b)** The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 7.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.
- (c)** The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustees’ decision.
- (d)** If a list of crucial features is included in the decision on the concept plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

C) Preliminary Development Plan Review Procedure

I) Preliminary Development Plan Review

(a) Step 9 – Submission of a Preliminary Development Plan

- (i)** Once the concept plan and PUD zoning map amendment have been approved by the Board of Trustees, the applicant shall proceed with the preparation of the preliminary development plan(s) in whole or in phases. A final development plan can be processed concurrently with a preliminary development plan review by combining all requirements in 7.03 (C) (Preliminary Development Plan Review) and (D) (Final Development Plan Review) with the preparation of the “preliminary and final development plan.”
- (ii)** The preliminary development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
- (iii)** The preliminary development plan shall be consistent with the applicable PUD requirements in this zoning resolution and the contents of the approved concept plan. The preliminary development plan shall be prepared by a professional urban planner, engineer, architect, or landscape architect.

- (iv) A preliminary development plan shall propose all necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for the purpose of maintaining the specified common open space within all residential planned developments.
 - (v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.
- (b) **Step 10 – Public Meeting with the Zoning Commission**
 - (i) Upon receipt of the detailed preliminary development plan and recommendations of Township staff, the Zoning Commission shall, at a public meeting, study and review the preliminary development plan to determine whether all requirements have been satisfied, and the conditions specified in Section 7.03 (C)(2) (Additional Requirements for a Preliminary Development Plan) have been met.
 - (ii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.
- (c) **Step 11 – Decision by the Zoning Commission**
 - (i) Within 30 days of the Zoning Commission's public meeting (Step 10), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed preliminary development plan, and submit such recommendation to the Board of Trustees.
 - (ii) The Zoning Commission's decision on the preliminary development plan is an administrative action of the Zoning Commission and is not subject to referendum.
 - (iii) Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.
- (d) **Step 12 – Public Meeting with the Board of Trustees**
 - (i) Upon receipt of the recommendation from the Zoning Commission (Step 11), the Board of Trustees shall set a time for a public meeting on the preliminary final development plan.
 - (ii) The date of the public meeting shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
 - (iii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.
- (e) **Step 13 – Decision on the Preliminary Development Plan**
 - (i) The Board of Trustees may either adopt or overturn the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
 - (ii) The Board of Trustees' decision on the preliminary development plan is an administrative action of the Board of Trustees and is not subject to referendum.

2) Additional Requirements for the Preliminary Development Plan

The following criteria shall serve as conditions for the review and approval of the preliminary development plan by the Zoning Commission:

- (a) The preliminary development plan is consistent with the intent and purpose of this zoning resolution and, in particular, the furtherance of the purpose of the PUD as set forth in Section 7.02 (Purpose Statements).
- (b) The PUD and preliminary development plan are consistent with the adopted Pierce Township Land Use Plan.
- (c) The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Pierce Township or Clermont County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and in the traffic impact analysis, if required, that are attributable to the proposed development.
- (d) The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities.
- (e) The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.
- (f) Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.
- (g) The PUD is designed to minimize the impact on the natural environment and complies with the performance standards set forth in Section 7.04.
- (h) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.
- (i) When the Township boards are reviewing a new or modified preliminary development plan following the expiration of a previous development plan (See Section 7.03 (E) (Time Limits), the Township may take into consideration changes in Township land use and development policy when making recommendations and decisions related to the preliminary development plan.

3) Crucial Features of the PUD (Preliminary Development Plan)

- (a) The Township may incorporate a list of “crucial features of the PUD” as part of a preliminary development plan approval.
- (b) The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 7.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.

- (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustees' decision.
- (d) If a list of crucial features is included in the decision on the preliminary development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

D) Final Development Plan Review Procedure

I) Final Development Plan Review

(a) Step 14 – Submission of a Final Development Plan

- (i) Once the preliminary development plan has been approved by the Board of Trustees, the applicant shall proceed with the preparation of the final development plan(s) in whole or in phases.
- (ii) The final development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
- (iii) The final development plan shall be consistent with the applicable PUD requirements in this zoning resolution, the contents of the approved concept plan, and the approved preliminary development plan. The final development plan shall be prepared by a professional urban planner, engineer, architect, or landscape architect.
- (iv) A final development plan shall propose all necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for the purpose of maintaining the specified common open space within all residential planned developments.
- (v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.

(b) Step 15 – Public Meeting with the Zoning Commission

- (i) Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public meeting, study and review the detailed final development plan to determine whether all requirements have been satisfied, and the conditions specified in Section 7.03 (D) (2) (Additional Requirements for a the Final Development Plan) have been met.
- (ii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.

(c) Step 16 – Decision by the Zoning Commission

- (i) Within 30 days of the Zoning Commission's public meeting (Step 15), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed final development plan, and submit such recommendation to the Board of Trustees.

- (ii) The Zoning Commission's decision on the final development plan is an administrative action of the Zoning Commission and is not subject to referendum.
- (iii) Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

(d) Step 17 – Public Meeting with the Board of Trustees

- (i) Upon receipt of the recommendation from the Zoning Commission (Step 16), the Board of Trustees shall set a time for a public meeting on the final development plan.
- (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (iii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.

(e) Step 18 – Decision on the Final Development Plan

- (i) The Board of Trustees may either adopt or overturn the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
- (ii) The Board of Trustees' decision on the final development plan is an administrative action of the Board of Trustees and is not subject to referendum.
- (iii) After approval of the final development plan, the applicant shall be required to submit a revised final development plan incorporating any revisions or modifications approved by the Township to be maintained for Township records.

2) Additional Requirements for the Final Development Plan

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development plan:

- (a) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan.
- (b) The proposed detailed final development plan for an individual section of the overall PUD is consistent in contents (building location, as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan
- (c) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained. No individual phase shall exceed the approved density.
- (d) That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Board of Trustees, left in its natural state.
- (e) That any exception from the design standards provided in the PUD is warranted by the design and amenities incorporated in the detailed final development plan.

- (f) That the detailed final development plan is consistent with the intent and purpose of this zoning resolution.
 - (g) Proposed covenants, easements and other provisions meet development standards and protect the public health, safety and general welfare.
 - (h) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review.
 - (i) Final development plans shall include a list of any and all features in the PUD Plans which were crucial, and indispensable, in order to gain PUD approval from the Township. This list, under the heading, "Crucial Features for this PUD," shall be reviewed for approval or denial as part of the PUD process and shall be placed in a prominent position on the drawings to remain a permanent component of the record drawings.
- 3) Crucial Features of the PUD (Final Development Plan)**
- (a) The Township may incorporate a list of "crucial features of the PUD" as part of a final development plan approval.
 - (b) The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 7.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.
 - (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustee's decision.
 - (d) If a list of crucial features is included in the decision on the final development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

E) Time Limits

- 1) The final development plan shall be submitted within one year after approval of the preliminary plan, or the approval of the preliminary plan will expire and the plan will be deemed null and void.
- 2) Upon expiration of the preliminary plan, the property shall still be zoned as a PUD with a voided preliminary plan. The property owner or authorized agent may submit an application and new preliminary plan for consideration pursuant to Section 7.03 (Procedure) or an application for a zoning map amendment to another district.
- 3) If the applicant has not received subdivision plat approval or an extension pursuant to Section 7.03 (F) below within one-year of the approval of the final development plan approval, both the preliminary and final development plans will become null and void.

- 4) Upon the expiration of the preliminary and/or final development plan, the Board of Trustees or the Zoning Commission may initiate a zoning map amendment to change the PUD zoning on the property to another zoning district. The applicant may also initiate a zoning map amendment or submit a new concept plan, with all applicable fees, pursuant to the review procedure established in this article.
- 5) For phased developments, the Zoning Commission and Board of Trustees may approve a phased preliminary and final development plan schedules as part of the concept, preliminary and/or final development plan approvals. In such case, the approved time frames shall establish when the approved development plans shall expire.

F) Review of Status of PUD Development Plans

- 1) If an applicant fails to comply with all of the provisions of this article, the Board of Trustees may review the status of any approved PUD district or any development plan, and take action, in accordance with the following procedures:
 - (a) The Board of Trustees may hold a public meeting to review the status of any approved development plan and, at the conclusion of the hearing, may by resolution:
 - (i) Extend any applicable time period; or
 - (ii) Modify or revoke the preliminary and/or final development plan approval.
 - (b) The Board of Trustees may initiate a zoning map amendment to rezone the property to another zoning district.
- 2) If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the Zoning Inspector.

G) Approved Plans Stay with Land

- 1) Approved concept, preliminary and final development plan shall be attached to the land for which the plans were approved, regardless if the land ownership, developer, or applicant changes.
- 2) If there is a change in land ownership, the new land owner may:
 - (a) Continue with the PUD process and development in accordance with this article and the approved plans;
 - (b) Submit a new preliminary development plan and/or final development plan in accordance with this article; or
 - (c) Submit an application for a zoning map amendment in accordance with Section 3.06 (Zoning Text and Map Amendments) of this resolution.
 - (d) In the instance where neither the original property owner nor subsequent property owners have consented to a PUD Concept Plan, the underlying zoning may be utilized in lieu of PUD development.

H) Effect of a Final Development Plan

- 1) The approved final development plan shall be kept on record in the Township offices together with all resolutions, applications, plats, plans, and other information regarding the development.
- 2) The resolutions prepared by the Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the property in the PUD.

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

I) Required Conditions for the Issuance of a Zoning Permit

- 1) A zoning permit may be issued for a structure in a PUD district, in accordance with an approved final development plan, following approval by the Clermont County Planning Commission of a final subdivision plat for that portion of the PUD within which the proposed structure is to be located, and recording of the approved subdivision plat.
- 2) No zoning permit shall be issued for any property in a PUD and no construction, except preliminary excavation, shall begin until an approved final development plan is in effect for that phase or property. The final development plan becomes effective upon approval by the Board of Trustees.

J) Modifications to Approved Concept, Preliminary or Final Development Plans

- 1) If an applicant proposes to modify an approved concept plan, preliminary plan or final development plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs (3) and (4) below.
- 2) The proposed modifications shall be classified as a minor or major modification based on the following:

(a) Major Modifications

Major modifications shall involve:

- (i) Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved concept and preliminary development plan or changes to the location or amount of land designated for a specific land use or open space;
 - (ii) A reduction of more than five percent in the number of parking spots;
 - (iii) A change of the permitted uses to a use not otherwise permitted in the proposed PUD;
 - (iv) Any change that will increase demand on any on- or off-site infrastructure;
 - (v) Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PUD;
 - (vi) An expansion of a building footprint that affects the specified setbacks of the approved plan;
 - (vii) Changes to the property or project boundaries of the entire PUD District;
 - (viii) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations,
 - (ix) Any proposed change to a preapproved crucial feature, or
 - (x) Any change that the Zoning Commission determines, after review, should be forwarded on to the Board of Trustees as a major modification.
- 3) Review of Minor Modifications
 - (a) Any modification not listed above as a major modification will be deemed a minor modification.

- (b) The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved concept and preliminary development plan.
 - (c) Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.
 - (d) The decision of the Zoning Commission on minor modifications shall be deemed administrative.
 - (e) If a concept plan is amended, any future preliminary or final development plans shall comply with the amended concept plan.
- 4) Review of Major Modifications
- (a) Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the concept plan pursuant to Section 7.03 (B)(Concept Plan Review Procedure) with the following provisions:
 - (i) The new plan shall not be subject to review by the Clermont County Planning Commission; and
 - (ii) Major modifications shall be subject to new application fees.
 - (b) If a concept plan is amended, any future preliminary and final development plans shall comply with the amended concept plan.

7.04: PUD Development Standards

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

A) Density and Intensity of Uses

- 1) All PUDs shall have a minimum site area of five acres.
- 2) All PUDs shall comply with the standards set forth in Table 7.04-I.
- 3) A minimum of 35 percent of the floor area in a PUD-MU shall be residential dwelling units.

TABLE 7.04-I: PUD DENSITY AND INTENSITY STANDARDS

Zoning District	Minimum Open Space Required	Maximum Gross Density	Maximum Net Density
PUD-R without sewer	40%	0.50 dwelling units per acre	0.80 dwelling units per acre
PUD-R with sewer	35%	2.00 dwelling units per acre	4.25 dwelling units per acre
PUD-R within 500 feet of a municipal boundary	20%	8.00 dwelling units per acre	16 dwelling units per acre
PUD-B	20%	0.30 FAR	0.38 FAR
PUD-MU	30%	4.50 dwelling units per acre	7.50 dwelling units per acre
FAR = Floor Area Ratio – FAR is calculated as a ratio of the total gross floor area of the building(s) divided by the total square footage of the lot area.			

B) Lot Standards

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

TABLE 7.04-2: LOT STANDARDS

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

NOTES:

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

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

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

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

C) Accessory Uses and Structures in a PUD District

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

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

D) Resource Protection Standards

- 1) The natural resources listed in this section are resources that are sensitive to development and shall be protected.
- 2) Table 7.04-3 establishes the minimum percentages of those natural resource areas that are to be preserved as part of the open space requirements (See Section 7.04 (A)). The Zoning Commission and Board of Trustees may reduce the percentages listed in Table 7.04-3 if they make a finding that:
 - (a) The proposed alternative achieves the intent of resource protection to the same or better degree than the subject standard;
 - (b) The proposed alternative achieves the goals and intent of this resolution and the land use plan to the same or better degree than the subject requirement; and

- (c) The proposed alternative results in benefits to the Township that are equivalent to or better than compliance with the established percentage.
- 3) Preliminary and final development plans shall include maps of the resources identified in Table 7.04-3 and indicate those portions that will be protected within the open space required as part of the PUD and permanently protected in accordance with this article.

TABLE 7.04-3: RESOURCE PROTECTION STANDARDS	
Natural Resource	Percentage to be Preserved
Floodplains as defined by FEMA	100%
Wetlands	Subject of U.S. Army Corps of Engineers and Ohio EPA requirement
Unstable slopes (Eden and Fairmount soils with 25 – 50% slopes)	90%
Steep slopes 30% or steeper	85%
Steep slopes 20 – 30%	70%
Young Woodland	25%
Mid-growth Woodland	40%
Mature Woodland	50%

E) Open Space and Resource Protection Area Ownership and Maintenance

- 1) Any open space preserved as part of one of the PUD types shall be preserved or used in a manner established within the specific PUD and shall be either:
 - (a) Owned by the Township, County, State, or park district subject to acceptance by the appropriate legislative body; or
 - (b) Protected by a conservation easement as outlined in Section 7.04 (E)(4) and as approved by the Township Zoning Commission and Board of Trustees; and/or
 - (c) Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners' association.
- 2) The following areas shall not count toward the minimum open space required in Table 7.04-1:
 - (a) Private and public roads, and associated rights-of-way;
 - (b) Other public utility rights-of- way and easements in excess of 50 feet;
 - (c) Public or private parking areas, access ways, and driveways related to any residential use;
 - (d) Required setbacks between buildings, and parking areas;
 - (e) Required setbacks between buildings and streets;
 - (f) Required minimum spacing between buildings and parking areas;
 - (g) Private yards, including front, back and side yards; or
 - (h) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

- 3) Wherever possible, open space should be located contiguous to open space, parks, and recreational lands adjacent to the subject property.
 - (a) Multiple small isolated parcels shall be discouraged.
 - (b) All open space areas shall have a minimum width of 30 feet in all directions in order to count toward the open space requirement.
- 4) Conservation Easements
 - (a) Prior to the recording of a PUD subdivision, a conservation easement may be placed on all lands and private waters used to satisfy the open space requirement of this district. The conservation easement shall:
 - (i) Run with the land, regardless of ownership;
 - (ii) Provide for protection of the land in perpetuity;
 - (iii) Be granted and deeded to the Township, a Township approved land trust, or other qualified organization approved by the Township.
 - (iv) Be solely for the purpose of ensuring the land remains undeveloped; and
 - (v) Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
 - (b) While the Township, Township approved land trust, or other qualified organization must hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the PUD), or the homeowners' association.
 - (c) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this zoning resolution. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.
- 5) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and final PUD plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Zoning Commission and Board of Trustees. Any restrictions on the established open space shall be memorialized in a conservation easement consistent with the provisions of Section 7.04 (E)(4).
- 6) Homeowners or Property Owners' Associations

When a homeowners' or property owners' association owns any open space, common areas or conservation easements in accordance with Section 7.04 (E)(1), then such association shall be subject to the following;

 - (a) A homeowners' or property owners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the PUD.

- (b) All homeowners' association or property owners' agreements shall be submitted for approval as part of the final development plan review procedure. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners' or property owners' association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' or property owners' association shall permit the abrogation of any duties set forth in this section.
- (c) All homeowners' or property owners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the Township may do any of the following:
 - (i) If the open space or common area is owned by the Township, Township approved land trust or other qualified organization, County, State or a park district, the Township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowners' or property owners' association, or seek to enforce the homeowners' or property owners' association's duty to maintain through an injunction or any other civil penalty.
 - (ii) If the open space or common area exists pursuant to a conservation easement owned by the Township, the Township may seek to enforce the terms of the conservation easement as provided in Section 7.04 (E)(4).

F) Landscaping Requirements

- 1) Landscaping shall be provided as follows and shall meet the minimum standards of Article 10 (Landscaping and Buffering).
- 2) Existing vegetation may count toward any landscaping requirement if it meets the provisions of Section 10.04 (Landscaping Materials and Standards).
- 3) Open Space
 - (a) Open space areas shall be designated on the plan as recreation areas, buffer yards, resource protection areas, and other open space.
 - (b) Areas designated as resource protection areas shall be retained in their natural state except for areas upon which pedestrian trails are located.
 - (c) Non-recreational open spaces that are to be mowed and maintained with a lawn ground cover shall have a minimum of four canopy trees planted per acre.
- 4) Parking Lots

Parking lots shall be landscaped in accordance with Section 10.06 (Parking Area Landscaping).
- 5) Buffers and Screening

Buffers and screening shall be provided in accordance with Section 10.05 (Required Buffers).
- 6) Street Trees
 - (a) All public and private streets shall have street trees installed in the right-of-way on both sides of the road. Where the proposed right-of-way is not wide enough to accommodate street trees, a minimum 15-foot easement shall be provided from the back of the pavement or curb where street trees and utilities can be located.

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

7) On-Lot Landscaping

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

8) Alternative Landscaping Plan

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

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

G) Architectural Standards

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

H) Parking and Loading

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

7.05: Special Submittal Requirements for PUDs

A) Concept Plan Requirements

Any concept plan submittal shall require the following information in text and map form:

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

- 2) Aerial mapping of the property showing the general features which may include: significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.
- 3) A map showing highways and streets in the vicinity of the tract; the ingress and egress to the tract; and existing utilities and sidewalks on or adjacent to the tract.
- 4) A general plan for the site showing the location of general land areas to be developed, the general boundaries of the land use, estimated density, and a simple diagram of vehicle and pedestrian circulation. This can be accomplished in a general bubble diagram, sketch, or other drawing to illustrate the concept behind the proposal without requiring the illustration of lot lines, setbacks, detailed street design, or other engineering drawings.
- 5) Survey plat of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries, the area and district to be rezoned if applicable, and the property ownership of the site and all adjacent parcels within 200 feet of the subject site.
- 6) A list of names and addresses of all owners of property within 200 feet of the subject site.

B) Preliminary Development Plan Requirements

Any preliminary development plan submittal shall require the following information in text and map form:

- 1) A Preliminary Development Plan shall be filed for any portion of an approved Concept Plan the applicant wishes to develop and it shall conform substantially to the approved Concept Plan and shall conform to any applicable Clermont County regulations or other County requirements for maintaining safety.
- 2) Plat of the survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries and the property ownership of the site and all adjacent parcels and buildings within 100 feet of the subject site.
- 3) A list of names and addresses of all owners of property within 200 feet of the subject site.
- 4) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
- 5) Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.
- 6) Base mapping of the property showing the physical features. Including; significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.
- 7) Boundaries and easements of the tract.
- 8) Highways and streets in the vicinity of the tract; the ingress and egress to the tract; existing utilities and sidewalks on or adjacent to the tract.
- 9) A drainage analysis that includes a description of soil conditions and proposed method of compliance with the Clermont County Storm water and Sediment Control Regulations.

- 10)** A site plan showing the location of general land areas to be developed, including type and description of land uses, proposed principal streets, proposed lots, including set back lines, and blocks, proposed sidewalks and pedestrian circulation system, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites and recreational facilities.
- 11)** Calculations of density, open space and resource protection land.
- 12)** Proposed treatment of existing topography, drainage ways, tree cover, and proposed landscaping and buffer plantings.
- 13)** Preliminary engineering plans including; site grading; drainage and utility improvements and extensions as necessary; street improvements, showing proposed general location of vehicular circulation routes and how this circulation pattern relates to the primary and secondary road alignments designated on the Clermont County Thoroughfare Plan.
- 14)** A traffic impact analysis, as required by the Clermont County Engineer, of the proposed development on roadways and intersections within a study area based upon net project trip generation methodology consistent with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation and Information Report that addresses the following elements:
 - (a)** Existing roadway conditions, including existing deficiencies and proposed improvements;
 - (b)** Trip generation based upon the development characteristics;
 - (c)** Distribution and assignment of trips based upon existing and future roadway network, travel time characteristics;
 - (d)** Background traffic projections
 - (e)** Capacity (level of service) analysis methodology for roadways and intersection;
 - (f)** Types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development.
- 15)** A traffic impact analysis shall be provided in addition to any information required by Clermont County Engineer.
- 16)** Additional information as reasonably necessary to address the foregoing issues.
- 17)** Any Final Development Plan requirements may be submitted with the Preliminary Development Plan.

C) Final Development Plan Requirements

Any final development plan submittal requires the following information in text and map form:

- 1)** A Final Development Plan shall be filed for any portion of an approved Preliminary Development Plan the applicant wishes to develop and it shall conform substantially to the approved Preliminary Development Plan and shall conform to any applicable Clermont County regulations or other County requirements for maintaining safety.
- 2)** Plat of the parcel to be developed showing existing physical features, including general topography, drainage ways, designated resource protection areas and tree cover and streets, easements and utility lines.

- 3) A site plan showing the location and arrangement of all existing and proposed structures, including building pads for single family detached units where site constraints limit the placement of proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites and recreational facilities.
- 4) A statement of the anticipated open space, gross density and net density.
- 5) For uses other than single family detached housing, footprints, floor plans and exterior elevations and types of building materials.
- 6) Landscaping plans prepared by a Landscape Architect, showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species, quantities and installation of landscaping for common areas, parking areas, open space, street trees, typical front yards, and buffer yards.
- 7) Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
- 8) When a development is to be constructed in phases, a schedule for the development of such phases shall be submitted.
- 9) The total area of common open space provided at any phase of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the phases or units completed or under development bear to the entire PUD.
- 10) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- 11) In the case of a Mixed-Use or Business PUD, a statement identifying the principal types of uses that are to be included in the proposed development.
- 12) When a PUD includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- 13) The required amount of common space land reserved under a planned unit development shall be held in corporate ownership by owners of the projected areas, for the use of each owner who buys property within the development, be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses, or be held in ownership by a not for profit entity acceptable to the Board of Trustees under which said lands shall be for public use. The legal articles relating to the organization of the homeowners' association is subject to review and approval by the Zoning Commission and shall provide adequate provisions for the care and maintenance of all common areas. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

- I4)** Copies of any restrictive covenants that are to be recorded with respect to property included in the PUD.