

ARTICLE 15

PLANNED UNIT DEVELOPMENTS (PUD)

1500.00 PUD REGULATIONS

Sections 1500.00 to 1500.50 inclusive of this Resolution shall apply to the location and maintenance of the PUD's as herein defined.

1500.10 PURPOSE

It is the purpose of these Sections to promote the public health, safety, and welfare by providing for the regulation of PUD's. It is the intent of these regulations to provide maximum opportunity for orderly large-scale developments which benefit the community as a whole by offering a greater choice of living environments, a wider range of development plans featuring more complementary blending of land uses, to include community facilities and open space, and a more unified approach with respect to the mixture of uses and their adaptation to topographical and geological features, recreational opportunities, and transportation needs.

1500.12 INTERPRETATION

Whenever the requirements of Sections 1500.00 to 1550.00 appear to be in conflict with other Sections of this Resolution or with those of other existing codes, the provisions of these Sections shall prevail.

1500.20 PUD DISTRICT DESIGNATION

Subsequent to the approval of the Zoning Commission and the Township Trustees, the designation "Planned Unit Development District" may be applied to any residential district. Upon approval of the final development plan, the Official Zoning Map shall be so annotated for the land area affected, and the district name shall be appropriately amended.

1500.21 USES PERMITTED IN A PUD DISTRICT

Residential, commercial, public, and quasi-basic uses may be combined in PUD districts, provided that the proposed location of the commercial uses will not adversely impact upon adjacent property or the public health, safety, and general welfare, and that the locations of such uses are specified in the final development plan. Lot area and other yard requirements of the residential district shall apply except as modified in Section 1500.25. The amount of land devoted to commercial use in a residential-commercial development shall be determined by the Commission and approved by the Township Trustees.

1500.22 MINIMUM PROJECT AREA REQUIREMENTS

The gross area of a tract of land proposed to be developed in a PUD district shall be a minimum of 20 acres, provided, however, that smaller parcels may be considered on the basis of their potential to satisfy the intent of these regulations. In any case wherein the PUD proposed contains a mixture of residential uses with commercial uses, the Commission may limit the development of not more than 15% of the tract to commercial uses. A minimum of 20% of the land developed in any PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in Section 1500.23 of this Resolution.

1500.23 DISPOSITION OF OPEN SPACE

The required amount of common space land reserved under a PUD shall either be held in corporate ownership by owners of the project area, for the use of each owner who buys property within the development, or 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. The legal articles relating the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable 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.

1500.24 UTILITY REQUIREMENTS

Underground utilities, including telephone, cable television, and electrical systems, are required within the limits of all PUD's. Appurtenances to these systems which can be effectively screened may be exempted from this requirement if the Commission finds that such exemption will not violate the intent or character of the proposed PUD.

1500.25 SPECIAL PUD LOT REQUIREMENTS

The lot requirements for PUD's approved by the Commission may vary from requirements previously prevailing for the district as follows:

1. Lot width, setback, and yard requirements may be varied to accommodate a variety of structural patterns, clustering designs, and housing types;
2. Lot area per dwelling unit requirements may be reduced by not more than 20%; and
3. To provide for the availability of lower- and moderately-priced rental and sale residences within PUD's, the Commission may permit the following:
 - a. A PUD development plan proposing the inclusion of at least 12% lower or moderately-priced rental or sale dwelling units may entail no minimum lot or yard requirements, provided that the total area of the residential developments equal to 90% of the total minimum lot requirement for such residential development in the district, and that buffering and screening devices are sufficient;
 - b. A PUD development plan proposing the inclusion of at least 10% lower- or moderately-priced rental or sale dwelling units may entail a dwelling unit density 10% in excess of the density requirement for the district;
 - c. Each property development in the PUD should abut common open space of similar areas, provided, however, that any residential property not abutting such uses shall have well-designed access to, and shall be no more than 500 feet from, such areas.

1500.26 ARRANGEMENT OF COMMERCIAL USES

When PUD districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with streets. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas. 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 as specified by the Commission.

1500.30 PROCEDURE FOR APPROVAL OF PUD DISTRICTS

PUD Districts shall be approved in accordance with the procedure in Sections 1500.30 to 1500.48. It is the intent of these sections to incorporate the review and approval of development plans with the amendment process to remove the necessity, in many instances, to proceed under Article 6 prior to the commencement of the PUD plan review and approval process.

1500.31 PRE-APPLICATION MEETING

The developer shall meet with the Zoning Administrator and Zoning Commission prior to the 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 herein, and to familiarize the developer with zoning and other applicable regulations.

1500.32 PRELIMINARY DEVELOPMENT PLAN APPLICATION REQUIREMENTS

An application for preliminary PUD approval shall be filed with the Zoning Administrator by at least one owner of property for which the PUD is proposed. At a minimum, the application shall contain the following information filed in triplicate:

1. Name, address, and phone number of applicant;
2. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
3. Legal description of property;
4. Present use(s);
5. Present and proposed zoning district;
6. Proposed amending Resolution;
7. A vicinity map at a scale approved by the Zoning Administrator showing the property lines, streets, existing and the proposed zoning, and such other items as the Zoning Administrator may require;
8. A preliminary development plan at a scale approved by the Zoning Administrator showing topography at 10-foot intervals; location, and type of residential and commercial land uses; layout, dimensions, and names of existing and proposed streets; right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Commission may deem necessary;
9. Proposed schedule for the development of the site;
10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years;
11. A fee as established by Resolution;
12. A list containing the names and mailing addresses of all owners of property within 500 feet of the property in question; and
13. Verification by at least one (1) owner of property that all information in the application is true and correct to the best of their knowledge.

The application for preliminary PUD shall be accompanied by a written statement by the developer setting forth the reasons why, in the developer's opinion, the PUD would be in the public interest and would be consistent with the stated intent of these PUD requirements.

1500.33 ZONING COMMISSION PUBLIC HEARING

The Zoning Commission shall schedule a public hearing on the application for approval of the preliminary development plan not less than 20 or more than 40 days from the date of filing such an application.

1500.34 NOTICE OF PUBLIC HEARING

Before holding the public hearing, notice of such Commission hearing shall be given in one (1) or more newspapers of general circulation at least 15 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the PUD, and a statement that, after the public hearing and submission of a final development plan, the matter will be referred to the Township Trustees for further determination. Also before holding the public hearing, written notice of such hearing shall be sent by the Zoning Commission by first class mail, at least 20 days before the hearing, to all owners of property within 500 feet of the property in question and to such others as the Commission determines should receive notice. Notices to individual property owners shall contain the same information as required of notices published in the newspaper.

1500.35 PUBLIC ACCESS TO PROPOSED PUD DOCUMENTS

For a period of at least 20 days prior to the public hearing by the Commission, all papers relating to the PUD shall be available for public inspection in the office of the Zoning Administrator.

1500.36 APPROVAL IN PRINCIPLE OF PRELIMINARY DEVELOPMENT PLAN

Within 60 days after the public hearing, the Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Resolution; whether the proposed development advances the general welfare of the community and neighborhood; and whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The Commission's approval in principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

1500.40 SUBMISSION OF FINAL DEVELOPMENT PLAN

After approval in principle of the preliminary development plan, the developer shall submit a final development plan to the Zoning Administrator. The final development plan shall be in general conformance with the preliminary development plan approved in principle. For the purpose of this Resolution, the submission of the final development plan is a formal request for rezoning of the property in question. Five (5) copies of the final development plan shall be submitted and may be endorsed by a qualified professional team, which should include an urban planner, licensed architect, registered landscape architect or landscape horticulturist.

1500.41 FINAL DEVELOPMENT PLAN APPLICATION CONTENTS

An application for approval of the final development plan shall be filed with the Zoning Administrator by at least one (1) owner of property for which the PUD is proposed. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. At a minimum, the application shall contain the following information:

1. A survey of the proposed development site, showing the dimensions and bearings of the property lines; area in acres; topography; and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses;
2. All the information required on the preliminary development plan; the location and sizes of lots; location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties;
3. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes; a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated non-residential population by type of housing; estimated non-residential population; anticipated construction timing for each unit; and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Resolutions governing development;
4. Engineering feasibility studies and plans showing as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earth work required for site preparation and development;
5. Site plan, showing building(s), various functional use areas, circulation, and their relationship;
6. Preliminary building plans;
7. Landscaping plans;
8. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained; and
9. A fee as established by Resolution.

1500.42 PUBLIC HEARING BY COMMISSION

Within 30 days after submission of the final development plan, the Commission shall hold a public hearing. Notice and public inspection of the application shall be as specified in Sections 1500.34 and 1500.35 of this Resolution.

1500.43 RECOMMENDATION BY COMMISSION

Within 60 days after receipt of the final development plan, the Commission shall recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to the Township Trustees.

1500.44 CRITERIA FOR COMMISSION RECOMMENDATION

Before making its recommendation, the Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

1. The proposed development can be initiated within two (2) years of the date of approval;
2. The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD;
3. Any proposed commercial or industrial development can be justified at the location proposed;
4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price;
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development; and

6. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

1500.45 PUBLIC HEARING BY TOWNSHIP TRUSTEES

After receiving the recommendation from the Zoning Commission, the Trustees shall hold a public hearing on the PUD final development plan within a reasonable time.

1500.46 NOTICE OF PUBLIC HEARING BY TRUSTEES

Before holding its public hearing, notice of such hearing shall be given by at least one (1) publication in one (1) or more newspapers of general circulation at least 30 days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and a general description and summary of the PUD, and a statement that all papers relating to the PUD are on file with the Clerk and open for public inspection. Also, written notice of the hearing on the PUD shall be mailed by the Clerk by first class mail, at least 20 days before the date of the public hearing, to all owners of property within 500 feet of the proposed PUD and to such others as may be determined should receive such notice. Notices to individual property owners should contain the same information as required of notices published in the newspaper.

1500.47 ACTION BY TRUSTEES

After the public hearing, the Trustees shall either approve, approve with supplementary conditions, or disapprove the application as submitted. If the application is approved as submitted or approved with conditions, the Trustees shall direct the Zoning Administrator to issue zoning permits in accordance with the approved plan and any conditions thereto attached. The final development plan shall further be considered as an integral part of the rezoning amendment, and no change from or substantive alteration in such PUD shall be permitted without repetition of the procedures in these Sections. In the event that the Trustees deny or substantively modify the final development plan as recommended by the Commission, any resulting final development plan for said PUD shall not be effective unless passed or approved unanimously by the Trustees.

1500.48 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In approving any PUD application, both the Zoning Commission and the Trustees may prescribe appropriate conditions and safeguards in conformity with this Resolution. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Resolution and be punishable as such.

1500.50 EXPIRATION AND EXTENSION OF APPROVAL PERIOD

The approval of a final development plan for a PUD district shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within two (2) years after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Board of Zoning Appeals finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the PUD was granted.