

ARTICLE 31

PLANNED DEVELOPMENT

SECTION 3101 PURPOSE

This article is intended to permit the creation of Planned Development Districts in accordance with Section 519.021 of the Revised Code of the State of Ohio. Such districts are for the purpose of conserving land through more efficient allocation of private lots, multi-family dwelling units, common grounds, nonresidential uses, greater efficiency in providing public and utility services, and securing benefits from new techniques in community development and renewal. Such regulations need not be uniform, but may vary in order to promote public health, safety, and morals.

SECTION 3102 TYPES OF PLANNED DEVELOPMENT AND PERMITTED USES

A. "PD-1" Planned Residential District.

1. Residential and/or Recreational uses developed in a unified manner in accordance with the approved Development Plan.

B. "PD-2" Planned Office District.

1. Office establishments developed, operated and maintained within an organized development of associated office activities in accordance with the approved Development Plan.
2. Uses permitted in paragraph A of this Section.

C. "PD-3" Planned Business District.

1. Retail and service establishments developed, operated and maintained within an organized development of associated activities in accordance with the approved Development Plan.
2. Uses permitted in paragraphs A and B of this Section.

D. "PD-4" Planned Industrial District.

1. Manufacturing, processing, warehousing, and industrial service activities developed, operated and maintained within an organized development of associated activities in accordance with the approved Development Plan.
2. Uses permitted in paragraphs B and C of this Section.

SECTION 3103 DEVELOPMENT STANDARDS

In addition to the provisions of Chapters VIII and IX, General Regulations and Special Regulations, the Development plan must comply with the following:

3103.01 AREA REQUIREMENTS

No minimum land area shall be required.

3103.02 PLANNING REQUIREMENTS

- A. The physical character of the site shall be suitable for development in the manner proposed, without hazard to persons or property on or off the site from possible flooding, erosion, subsidence, or other dangers annoyances, or inconveniences.
- B. The site shall have direct access to a major street and not generate traffic on minor residential streets outside the district.
- C. Utilities and public facilities shall be developed at no cost to the public.
- D. The Development shall provide for efficient, safe, compatible and harmonious grouping of structures uses, and facilities.
- E. There shall be an appropriate relationship of space inside and outside buildings to intended uses and structural features.
- F. Provision shall be made at points of ingress, egress and within the district to ensure a free and safe flow of vehicular and pedestrian traffic.
- G. Common open space may be required.
- H. Off street parking areas, service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage shall be properly screened.

SECTION 3103.03 PARKING AND LOADING

A. Residential and Office

Off-street parking and loading spaces shall be required as set forth under Article 42 and Article 43 of this Resolution.

B. Business

Off-street parking shall be provided at the minimum ratio of 5.5 spaces per one thousand (1,000) square feet of gross leasable area. In addition, two (2) off street parking spaces shall

be provided for each dwelling or lodging unit.

"Gross leasable area" shall mean total floor area designed for tenant occupancy and use, including basements, expressed in square feet, measured from the centerline of joint partitions and from the outside wall faces; but shall exclude parking areas in structures reserved for tenant occupancy and use.

A minimum of two (2) percent of the area devoted to off-street parking shall be maintained in landscaping in such parking areas.

Off street loading space shall be provided with area, location and design appropriate to the needs of the shopping center and specific uses within it, and no space designated for off street parking shall be used as off street loading space.

C. Industrial

Off-street parking and loading spaces shall be required as set forth under Articles 42 and 43 of this Resolution.

Off-street loading space shall be provided with area, location and design appropriate to the needs of the Industrial Park and specific uses within it, and no space designated for off-street parking shall be used as off-street loading space.

SECTION 3104 PROCEDURE

The following procedure shall be followed when applying for a change of zoning district to one of the Planned Development Districts.

3104.01 SUBMISSION OF APPLICATION

Two (2) copies of the Development Plan and one 8 inch x 11 inch copy of the Development Plan shall be submitted with the application and shall include in text and map form:

- A. The site plan showing the location and arrangement of all proposed structures, the traffic circulation pattern within the Development, the areas to be developed for parking, screening, the points of ingress and egress, recreational facilities and areas to be left in their natural state.
- B. The Land Use Intensity (LUI), when applicable, the total gross floor area, and the percentage of the development which is to be occupied by structures.
- C. When the Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted.
- D. In the case of an Office, Business, or Industrial Planned Development, a statement showing

the exact uses and their location within the Planned Development.

- E. The provisions for common open space or recreational facilities describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. Copies of the proposed articles of incorporation or by-laws shall be submitted if applicable.
- F. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development if applicable.
- G. One copy of the preliminary plat if applicable.

3104.02 ACTION BY THE ZONING COMMISSION

The Zoning Commission shall hold a public hearing on the Development Plan as provided by Article 6 of this Resolution. Such public hearing shall consider all aspects of the Development Plan including all proposed stages and/or units of development. The Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions. The Commission shall prepare and transmit to the Board of Township Trustees, and to the applicant, its recommendation and specific findings of fact with respect to the extent to which the Development plan complies with the standards set out in Section 3105 of this Article and the District for which the change has been requested. Copies of the findings and recommendations of the Commission shall be made available to any other interested person.

3104.03 ACTION BY THE BOARD OF TOWNSHIP TRUSTEES

The Board of Township Trustees shall hold a public hearing on the Development Plan as provided by Article 6 of this Resolution. If the application is granted, the area of land involved shall be redesignated as a "PD-1," "PD-2", "PD-3" or "PD-4" district by resolution. The resolution shall include conditions and/or restrictions to the plan that may be imposed by the Board of Township Trustees.

Such approval does not, however, constitute authority for the applicant to proceed with actual physical development of the property. Authority for the applicant to proceed and for the issuance of required zoning certificate shall be dependent upon approval of the Subdivision Plan as set forth in Section 3106 when applicable.

SECTION 3105 STANDARDS FOR PLANNED DEVELOPMENTS

- A. The Planned Development can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
- B. The Planned Development will not jeopardize public health, safety, and morals.
- C. The streets and driveways on the site will be adequate to serve the residents or occupants of

the proposed Development. Traffic control signals and signs will be provided without expense to Montgomery County when the County Engineer determines that such signals are needed on or off site to prevent traffic hazards or congestion generated by the Development.

- D. The Development will not impose an undue burden on public services and facilities, such as fire and police protection.
- E. The Development Plan contains such proposed covenants, easements and other provisions relative to the proposed development standards, as reasonably are required for public health, safety and morals.
- F. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of Planned Development not used for structures, parking and loading areas, or access-ways, shall be landscaped or otherwise improved.

SECTION 3106 SUBDIVISION PLAT REQUIRED

No building permit shall be issued for any structure in any portion of a Planned Development unless and until the final subdivision plat for that portion has been approved by the proper Planning Authority and recorded in the public record of the County.

This requirement may be waived by the Planning Authority when it is deemed that subdivision plat is not required.

SECTION 3107 MODIFICATION

Because of the difficulty in being able to supply precise data at the time of approval of the Final Development Plan, it may be necessary to make certain modifications to the Final Development Plan at a later date. Such modification shall have the recommendation of the Zoning Commission and be approved by the Board of Township Trustees without additional public hearings. Owners of property within three hundred (300) feet of the area in question will be mailed notice of the time at which the Board will review the request for modification. Such notice will be mailed at least seven (7) days prior to such review by the Board.

Modification to the Final Development Plan shall not deter from the general intent and purposes as originally approved by the Board of Township Trustees. No modification shall be approved that will increase density or intensity, increase the LUI index number, decrease parking and loading areas, reduce useable open space or reduce distance between structures and the perimeter property line.

If the modification is approved, the Final Development Plan will be changed to reflect the modification and notice will be sent to the Building Inspection Department and Zoning Inspector.