CHAPTER 18
PLANNED UNIT DEVELOPMENT OVERLAY AND PUD PROCEDURES

18-1 PURPOSE

The purpose of the Planned Unit Development ("PUD") Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the underlying district regulations.

18-2 DISTRICT DESIGNATION AND APPLICABILITY

The PUD District is an overlay of alternative regulations, including procedures and standards that are applicable to all land within the jurisdiction of these regulations in accordance with the provisions of this chapter. The PUD Overlay District is established on the official zoning map in accordance with Section 1-6 and Chapter 3. This overlay district enables individual property owners to request administrative approval of PUD plans on their property in accordance with the provisions of this chapter.

18-3 AUTHORITY

The Board of Township Trustees and the Sycamore Township Zoning Commission may, in accordance with the procedures and standards set out in this Chapter and other regulations applicable to the district in which the subject property is located, approve a development plan for a PUD for any use listed as a PUD in the Table of Permissible Uses found in Chapters 4, 5, 6 and 7.

18-3.1 Approval of PUD-1 Applications

Proposed planned unit developments whose net densities or intensities fall within the PUD-1 range, as shown in the Table of Permissible Uses in Chapter 3 shall require administrative approval of a PUD Plan (Planned Unit Development Plan) by the Sycamore Township Zoning Commission and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.2 Approval of PUD-2 Applications

Proposed planned unit developments whose net densities or intensities fall within the PUD-2 range, as shown in the Table of Permissible Uses in Chapter 3 shall require review and recommendation of a PUD Plan (Planned Unit Development Plan) by the Sycamore Township Zoning Commission, legislative approval of a PUD Plan by the Board of Township Trustees and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.3 Approval of Modifications of Specific Requirements

The specific requirements in this Resolution for lot areas, height, yards, buffers, perimeter setbacks, parking (including provision of compact car spaces), landscaping, signs, lighting, and noise shall apply to all planned unit developments unless they are modified by the Sycamore Township Zoning Commission or Board of Township Trustees with specific findings that the general standards in section 18-7 will still be met. Nothing in this section shall be deemed to enable modification of the average net density (dwelling units per acre) or intensity (impervious surface ratio) requirements for PUD-1 and PUD-2 applications.

18-4 EFFECT OF PUD LISTING

18-4.1 Compliance with Zoning Requirements

The listing of a use in the Table of Permissible Uses or in any district regulation as being permitted with a PUD Zoning Certificate does not constitute an assurance or presumption that a proposed development plan will be approved except as provided in Section 18-4.2. Rather, each proposed development plan shall be evaluated by the Sycamore Township Zoning Commission or Board of Township Trustees, as the case may be, on an individual basis. This shall be done in relation to its compliance with the standards and

conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the development plan is appropriate at the particular location and in the particular manner proposed.

18-4.2 Compliance with Other Requirements

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law.

18-5 REVIEW PROCEDURE FOR PUD PLANS

18-5.1 Pre-application Conference

Prior to preparing or submitting a complete application for PUD Plan approval pursuant to Section 18-5.2, an applicant shall meet with the Administrative Official to present the concept of the proposed development and to discuss the procedures and standards for development plan approval. The pre-application conference is intended to facilitate the filing and consideration of an innovative development plan and complete application consistent with adopted plans and applicable zoning regulations. No representation made by the Administrative Official during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.

18-5.2 Applicant

A PUD Plan application may be filed with the Administrative Official by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

18-5.3 Application

An applicant for a planned unit development shall file an application on a form or forms provided by the Administrative Official with a PUD Plan. The plan for the use and development of the tract may be submitted as either: (a) a conceptual plan showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, type, and other pertinent details for buildings, buffer/landscape areas, parking areas, signage, lighting, access, circulation patterns, and other details as requested, or (b) a detailed plan meeting the requirements of a Zoning Compliance Plan as defined in Chapter 2. The PUD may be approved by the Sycamore Township Zoning Commission and the Board of Township Trustees, as the case may be, on the basis of such conceptual or detailed plan provided said plan otherwise complies with all regulations.

18-5.4 Staff Report

The Administrative Official shall prepare and transmit to the Sycamore Township Zoning Commission prior to their public hearing a written report incorporating or summarizing comments of other departments, agencies and officials. A recommendation shall be included, setting forth whether the PUD application should be approved, approved with modifications, or denied and reasons for such recommendation.

18-5.5 Sycamore Township Zoning Commission Hearing and Decision

Within ten (10) to forty-five (45) days following receipt of the PUD application determined to be complete, the Commission shall hold a public hearing in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission. At the conclusion of the public hearing, the Commission shall, on the basis of written findings relative to the standards set forth in Section 18-7, either
(1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

18-5.6 Notification of Decision

The Administrative Official shall notify the applicant of the decision or recommendation of the Sycamore Township Zoning Commission, as the case may be, as follows:

(a) PUD-1. The action of the Sycamore Township Zoning Commission, and one copy of the submitted plans permanently marked to show such decision, shall be transmitted to the applicant.

(b) PUD-2. The recommendation of the Sycamore Township Zoning Commission shall be transmitted to the applicant and such recommendation together with the staff report and the complete application shall be transmitted to the Board of Township Trustees for action pursuant to Section 18-5.8.

18-5.7 Board of Township Trustees Hearing and Decision on PUD-2 Application

Following the recommendation of the Sycamore Township Zoning Commission regarding a PUD-2 application, the Board of Township Trustees shall hold a public hearing within thirty-one (31) days. At the conclusion of such hearing the Board shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

18-5.8 Effect of PUD Plan Approval

The approval of a PUD Plan by the Sycamore Township Zoning Commission or by the Board of Township Trustees as being in compliance with standards of approval pursuant to Section 18-7 shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 519.021 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 519.12 of the Ohio Revised Code.

18-5.9 Period of Validity

Subject to an extension of time granted by the Sycamore Township Zoning Commission, no PUD Plan (for PUD-1, PUD-2, or S-PUD approvals) shall be valid for a period longer than one (1) year unless a building permit is issued.

18-6 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS

When an application for approval of a PUD also requires a zone amendment or any other zoning approvals, the applicant shall indicate that fact on the application when submitted to the Administrative Official. At the time of filing the application for a PUD, applications shall be filed with the Sycamore Township Zoning Commission for all other required approvals.

18-6.1 Notice of Applications for Additional Approvals

Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

18-6.2 Procedures and Action

Whenever an applicant files applications for other approvals pursuant to this Section, the Sycamore Township Zoning Commission and Board of Township Trustees shall review and process all such applications at the same public hearing. In reviewing such combined applications, the Sycamore Township Zoning Commission and Board of Township Trustees shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

Any such combined application shall be acted on within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The Administrative Official shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

18-7 GENERAL STANDARDS FOR PUD PLAN APPROVAL

In determining whether a PUD Plan filed pursuant to this Chapter shall be approved or recommended for approval, the Administrative Official, the Sycamore Township Zoning Commission, and the Board of Township Trustees shall apply the following general standards.

(a) Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;

(b) Applicability of and consistency with adopted objectives and policies of the Township related to land use and township plans duly adopted by the Sycamore Township Zoning Commission;

(c) Compatibility with surrounding land uses;

(d) Whether the size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site;

(e) Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

(f) Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;

(g) Whether significant scenic or historic features, as identified in plans duly adopted by the Sycamore Township Zoning Commission, are adequately conserved;

(h) Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;

(i) The adequacy of the proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;

(j) The adequacy of the provisions for visual and acoustical privacy.

18-8 ZONING COMPLIANCE PLAN -- CERTIFICATION OF PUD PLAN COMPLIANCE

18-8.1 Review

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, including any modifications required in conjunction with the approval by the Sycamore Township Zoning Commission or by the Board of Township Trustees, as the case may be.

18-8.2 Conveyance

Any land identified on the PUD Plan as common open space to be conveyed to an owners association, shall be so conveyed subject to a covenant restricting the common open space to the uses specified in the Zoning Compliance Plan and providing for the maintenance of the common open space in a manner which assures its use for the purposes intended. All such conditions, easements and open space covenants shall specifically provide for enforcement by the Township.

18-8.3 Decision

Within seven (7) days of receipt of the completed application, the Administrative Official shall either (1) certify that the Zoning Compliance Plan complies with the approved PUD Plan; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the approved PUD Plan.

18-8.4 Effect

A Zoning Compliance Plan as finally approved and certified in accordance with the provisions of this Chapter shall not be modified, except pursuant to Section 18-9.

18-9 ADJUSTMENTS TO PUD PLAN

Adjustments to an approved PUD Plan or previously approved Zoning Compliance Plan may be considered minor or major and shall be reflected on a Zoning Compliance Plan. Such adjustments may be considered provided there is no modification of written conditions of approval or of recorded easements. Further, any modifications must be in substantial conformity with the intent of the PUD approval. For any adjustments of a technical or engineering nature, the applicant shall submit a report from the appropriate public agency assuring compliance with agency regulations.

18-9.1 Minor Adjustments

The Administrative Official has the authority to consider minor adjustments through the procedure defined in Section 18-8. Minor adjustments shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was initially anticipated. No adjustment shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance. Minor adjustments shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved PUD plan.

18-9.2 Major Adjustments

Any adjustment to the PUD Plan within the criteria of Section 18-9 but not authorized by Section 18-9.1 shall be considered a major adjustment. The Sycamore Township Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the PUD, shall hold a public hearing within ten (10) to forty five (45) days of receipt of the completed Zoning Compliance Plan application. At the conclusion of the public hearing, the Commission shall make a recommendation to the Board of Township Trustees to approve, deny, or add conditions for the application for a major adjustment to the PUD Plan. Upon conclusion of the hearing, the Sycamore Township Zoning Commission shall forward the recommendation to the Sycamore Township Board of Trustees. Following the Sycamore Township Zoning Commission hearing, the Sycamore Township Board of Trustees, following notice to all property owners whose properties are located within two hundred (200) feet of the PUD, shall hold a public hearing within ten (10) to forty five (45) days after receipt of the recommendation by the Sycamore Township Zoning Commission. At the conclusion of the public hearing, the Board of Township Trustees shall approve, deny, or modify.

18-10 APPEALS

18-10.1 Appeal of Sycamore Township Zoning Commission Decision

Any party aggrieved by the administrative decision of the Sycamore Township Zoning Commission for a PUD-1 may appeal within thirty (30) days of the date of decision to the Board of Township Trustees.

18-10.2 Appeal of Administrative Official's Decision

Any party aggrieved by the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan in the case of a PUD-1 or a PUD-2 approval or a decision regarding a minor adjustment, may appeal within thirty (30) days of the date of decision to the Sycamore Township Zoning Commission.

18-10.3 Appeal of Board of Township Trustee's Decision

Any party aggrieved by the administrative decision of the Board of Township Trustees in the case of a PUD-2 approval or a decision on an appeal pertaining to a PUD-1 or PUD adjustment may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.