

ARTICLE 31

PLANNED DEVELOPMENT DISTRICT

SECTION 3101 PURPOSE

This Article is intended to permit the creation of a Planned Development District in accordance with Section 303.022 of the Revised code of the State of Ohio. Such district is 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 technique 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

Planned Developments may include a single land use or mixed land uses developed in a unified manner, and will be identified on the zoning maps with the middle digits of the zoning case number preceded by the letters, "PD".

- A. "PD-1" Planned Residential District
 - 1. Residential and/or Recreational uses developed in 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 paragraph 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 Paragraph 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 requirements unless specifically waived by the Butler Township Trustees with the recommendation of the Butler Township Zoning Commission.

3103.01

AREA REQUIREMENTS

No minimum land area shall be required.

3103.02

LAND COVERED BY BUILDINGS

The total ground floor area of all buildings for Office, Business and industrial uses shall not exceed sixty (60) percent of the area of the tract, provided, however, that underground parking structures, the highest portions of which are not more than thirty (30) inches above the level of the centerline of the nearest adjacent street, shall not be included in computing the area of land covered by buildings.

3103.03

PLANNING REQUIREMENTS

- A. The physical character of the site shall be suitable for development in the manner proposed, without hazards 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. This requirement does not apply to single family detached residential developments having an overall density of four (4) dwelling units per acre or less.
- C. Utilities and public facilities shall be developed at no cost to the public.

- D. The development shall provide for efficient, safe, convenient, and harmonious grouping of structures, uses, and facilities.
- E. There shall be an appropriate relationship of space inside and outside building to intended uses and structural features.
- F. Provision shall be made at points of ingress, egress and within the district to insure a free and safe flow of vehicular and pedestrian traffic.
- G. Common open space may be required.
- H. Off-street parking for more than three (3) cars, service areas for loading and unloading vehicles, and areas for storage and collection of trash and garbage shall be properly screened.

3103.04

PARKING AND LOADING

A. Residential and Office Uses

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

B. Business Uses

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 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 not space designated for off-street parking shall be used as off-street loading space.

- C. Industrial Uses
Off-street parking and loading spaces shall be required as set forth under Article 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 in placing land in a Planned Development District.

3104.01

SUBMISSION OF APPLICATION

- A. The owner(s) or lessee (s) of a tract of land may request that the Zoning District Maps be amended to a Planned Development District. Such amendment shall be processed, noticed and heard in the manner prescribed in Article 6 and as described herein.
- B. The applicant is encouraged to engage in informal consultations with the staff of the Butler Township Zoning Commission prior to filing an application; however, no statement or representation by members of the staff shall be binding upon either the Commission or upon any zoning body.
- C. An application for a Planned Development may be processed, noticed and heard by the Butler Township Zoning Commission and Butler Township Trustees concurrently with an application for a proposed subdivision or re-subdivision of the same property pursuant to the Subdivision Regulations of Montgomery County.
- D. The following options are available at the applicant's discretion:
1. Submission of a Preliminary Development Plan, processed in the manner described in Article 6, and the subsequent submission of a final Development Plan for any portion of the approved Preliminary development Plan the applicant wishes to develop. The final Development Plan submitted according to

this option shall be processed in the manner described in Section 3106.

3. Submission of a Final Development Plan without a Preliminary Development Plan Pursuant to Section 3107. A Final Development Plan shall be processed in the manner described in Article 6.

E. No Zoning Certificate shall be issued for any property for which Planned Development classification is requested and not construction shall begin until an approved Final Development Plan is in effect for the phase or property, whichever of the above options is chosen by the applicant.

SECTION 3105

PRELIMINARY DEVELOPMENT PLAN

3105.01

SUBMISSION OF PRELIMINARY DEVELOPMENT PLAN

Two (2) copies of the Preliminary Development Plan and one (1) 8-1/2" x 11" Photostat of the Preliminary Development Plan shall be submitted and shall include in text and map form:

A. A survey of the tract that is to be developed showing existing features of the property including streets, alleys, easements, utility lines, existing land use, general topography and physical features.

B. A preliminary site plan showing the approximate areas and arrangement of the proposed uses, the relationship of abutting land uses and zoning districts, proposed lots and blocks if any, including parks, playgrounds, school sites and recreational facilities, proposed access points, proposed parking and drives, and proposed buffers.

C. 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.

D. In the case of a Residential Planned Development, the proposed density to which the Development shall be limited.

E. In the case of Office, Business, or industrial, a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed Development.

3105.02 ACTION BY THE ZONING COMMISSION

The Zoning Commission shall hold a public hearing on the Preliminary Plan as provided by Article 6 of this Resolution.

Such public hearing shall consider all aspects of the Preliminary Development Plan including all proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan, the Zoning commission shall prepare and transmit to the Butler Township Trustees and to the applicant recommendations with respect to the action to be taken on the Preliminary Development Plan. The Trustees may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.

3105.03 ACTION BY THE TRUSTEES

The Butler Township Trustees shall hold a public hearing on the Preliminary Development Plan as provided by Article 6 of this Resolution.

If the application is granted, the area of land involved shall be re-designated a "PD" District by Resolution and such Resolution shall incorporate the Plan, including any conditions or restrictions that may be imposed by the Board of Trustees.

SECTION 3106 SUBMISSION OF FINAL DEVELOPMENT PLAN IN ACCORDANCE WITH AN APPROVED PRELIMINARY DEVELOPMENT PLAN

3106.01 REQUIREMENTS FOR SUBMISSION

A Final Development Plan may be filed for any portion of any approved Preliminary Development Plan the applicant wishes to develop and it shall conform substantially to the approved Preliminary Development Plan. The filing fee shall be the same as that required for a change in zoning district. Two (2) copies of the final Development Plan and one (1) 8-1/2" x 11" photostat of the Final Development Plan shall be submitted and shall include in text a map form:

- A. Any changes necessary to the survey described in Section 3105.01 A.
- B. A site plan showing the exact location and arrangement of all existing and 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 lots and blocks, if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreations facilities.

- C. A statement of the proposed total gross floor area, and the percentage of the site which is to be occupied by structures.
- D. Sketches of the proposed structures and landscaping.
- E. When a Planned Development is to be constructed in stages or units, a schedule for the development of such states or units shall be submitted. No such stage or unit shall exceed by more than twenty (20) percent of the proposed density of the entire Planned Development. When a Planned Development provides for common open space, the total areas of common open space provided at any state of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
- F. Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.
- G. In the case of Office, Business, or Industrial Planned Development a statement identifying the principal types of office, business and/or industrials uses that are to be included in the proposed development.
- H. When a Planned Development 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 spaced 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.

- I. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

3106.02 ACTION BY THE BUTLER TOWNSHIP ZONING COMMISSION

The Butler Township Zoning Commission shall evaluate and take action on the Final Development Plan at a regular public meeting. The applicant shall submit the Final Development Plan at least twenty (20) days prior to the Butler Township Zoning Commission meeting and at the same time submit the names and addresses of property owners with lot lines common to the area within such Plan. The Butler Township Zoning Commission shall hold a public meeting on the Final Development Plan, considering all aspects of The Final Development Plan. Property owners with lot lines common to the area within the Final Development Plan shall be given seven (7) days advance written notice of the public meeting, said notice being given by regular mail. The Commission shall make specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in Section 3103 and 3109. The Butler Township Zoning Commission shall disapprove, approve, the Final Development Plan with amendments, conditions or restrictions. If the plan is not disapproved, the Plan shall be incorporated into the Zoning Resolution and that "PD" Zoning District for which the Plan is proposed, including any condition or restriction that may be imposed by the Zoning Commission. Upon approval by the Zoning Commission, the Final Development Plan will go into immediate effect.

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 certificates shall be dependent upon approval of the subdivision plat as set forth in Section 3110 when applicable.

SECTION 3107 SUBMISSION OF FINAL DEVELOPMENT PLAN WITHOUT AN APPROVED PRELIMINARY DEVELOPMENT PLAN

The applicant need not file a Preliminary Development Plan if he files a Final Development Plan for his entire site, incorporating all requirements of both the Preliminary and Final Development Plans as described in this Section. The Final Development Plan shall be process, noticed and heard in the manner prescribed in Article 6. Two (2) copies of the Final Development Plan and one (1) 8-1/2" x

11" photostat of the Final Development Plan shall be submitted and shall include in text and map form:

- A. A survey of the tract that is to be developed showing existing features of the property, including streets, alleys, easements, utility lines, existing land use, general topography and physical features.
- B. A site plan showing the location and arrangement of all existing and 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 lots and blocks if any, and proposed public or common open space, if any, including parks, playgrounds, school sites and recreational facilities.
- C. A statement of the proposed total gross floor area, and the percentage of the development which is to be occupied by structures.
- D. Sketches of the proposed structures and landscaping.
- E. When a Planned Development is to be constructed in stages or units, a schedule for the development of such stages or units shall be submitted. No such stage or unit shall exceed by more than (20) percent the proposed density of the entire Planned Development. When a Planned Development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire Planned Development as the stages or units completed or under development bear to the entire Planned Development.
- F. 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.
- G. In the case of Office, Business, or Industrial development a statement identifying the principal types of office, business and/or industrial uses that are to be included in the proposed development.

- H. When a Planned Development includes provisions for common open space or recreational 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.
- I. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

3107.01

ACTION BY THE ZONING COMMISSION

The Zoning Commission shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution. Such public hearing shall consider all aspects of the Final Development Plan including any proposed stages and/or units of development. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the board of Trustees and to the applicant specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set out in Section 3103 and 3109, and with respect to the action to be taken on the Final Development Plan. The commission may recommend disapproval, approval or approval with amendments, conditions, or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

3107.02

ACTION BY THE BOARD OF TRUSTEES

The Board of Trustees shall hold a public hearing on the Final Development Plan as provided by Article 6 of this Resolution. If the application is granted, the area of land involved shall be re-designated as a "PD" District by Resolution and such Resolution shall incorporate the Development Plan, including any conditional or restriction that may be imposed by the board of 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 certificates shall be dependent upon approval of the Subdivision Plan as set forth in Section 3110 when applicable.

SECTION 3108

MODIFICATION OF FINAL DEVELOPMENT PLAN

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 approval of the Zoning commission without additional public hearings. Adjacent property owners will be mailed notice of the time at which the Zoning commission will review the request for modification. Such notice will be mailed at least seven (7) days prior to such review by the Zoning Commission.

Modification to the Final Development Plan shall not deter from the general intent and purpose as originally approved by the Butler Township Trustees. No modification shall be approved that will increase density or intensity, 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 or reflect the modification and notice will be sent to the Building Inspections Department and the Zoning inspector.

SECTION 3109

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 signal/signs will be provided without expense to Montgomery County when the county Engineer determines that such signals/signs 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 relating 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 the Planned Development not used for structures, parking and loading area, or access ways, shall be landscaped or otherwise improved.

SECTION 3110

SUBDIVISION PLAT REQUIRED

No zoning certificate 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 Zoning commission when it is deemed that a subdivision plat is not required.

