

# Article 7: Planned Unit Development (PUD) District

## 7.01 ESTABLISHMENT AND PURPOSE OF PLANNED UNIT DEVELOPMENT DISTRICT

### (A) Overall Purpose

In order to fully provide for the purpose and intent of this resolution as outlined in Section [1.01: Purpose](#), while also providing for some level of flexibility in meeting the standards established within the resolution, Ross Township has established options for planned unit development districts. The overall purpose for these districts is 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. Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Ross Township or those proposed in the comprehensive plan. The township's character is related to the physical attributes of the township, including its land use patterns and natural resources. The planned unit development districts are intended to achieve the following land use objectives:

- (1) Encourage the protection of open space by permitting developments clustering housing and development to accommodate the provision of open space when it helps maintain the agricultural and rural feel of Ross Township;
- (2) Permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting activity areas;
- (3) Promote economical and efficient use of land and reduce infrastructure costs through unified development;
- (4) Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses;
- (5) Provide for flexibility in situations where existing development, subdivided lots, or base zoning district requirements may limit the potential for future development; and
- (6) Provide a higher level of design review to ensure attractive, well-planned developments and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.

### (B) Types of Planned Development Districts<sup>32</sup>

There are three types of PUDs provided for in Ross Township as outlined below:

- (1) R-PUD: Residential Planned Unit Development Districts that allow for residential uses, open space, and public and institutional uses;
- (2) B-PUD: Business Planned Unit Development Districts that allow for the flexible development of commercial, office, or industrial uses; or
- (3) M-PUD: Mixed-Use Planned Unit Development Districts that allow for the mixed-use development envisioned by the comprehensive plan.

### (C) PUDs Approved Prior to the Effective Date of this Resolution

Any R-PUD or B-PUD District approved prior to the effective date of this resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PUDs shall be in accordance with Section [7.03\(H\): Modifications to Approved Preliminary or Final Development Plans](#).

---

<sup>32</sup> The zoning resolution report suggests maintaining one PUD district but in order to maintain the existing R-PUD and B-PUD zoning, we are proposing to keep these types of PUDs but the procedure will be the same.

**(D) Deviation from Standards**

- (1) The Zoning Commission and Board of Trustees may approve deviations from any of general development standards in this article except those standards found in [Table 7-1](#).
- (2) Such deviation must be reviewed and approved as part of the preliminary development plan.
- (3) In approving a deviation from these standards, the Zoning Commission and Board of Trustees must find that:
  - (a) The proposed alternative achieves the purposes of the PUD district to the same or better degree than the subject standard;
  - (b) The proposed alternative achieves the goals and intent of this resolution and the growth management 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 standard.

**7.02 PUD APPLICABILITY**

- (A) An application for a PUD shall be for property that is under a single ownership or, if under several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PUD boundaries.
- (B) The minimum gross area of a tract of land developed as a PUD shall be 10 acres.
- (C) The Zoning Commission may authorize review of a tract of land smaller than 10 acres if, upon written request by the owner of land, they find that either:
  - (1) The requested smaller land area has unique natural features that would not be preserved if the parcel were developed as a conventional subdivision; or
  - (2) The ownership of the property and surrounding land and/or other use and development restrictions abutting the property reasonably prevent the applicant from acquiring the additional land necessary to satisfy the minimum area required.
- (D) All land within the PUD shall be contiguous in that it shall not be divided into segments by existing or proposed limited access highways, arterial streets, and other streets except local and collector streets, or any tract of land (other than roads or right-of-way for utility or related purposes) not owned by the developer of the PUD. The determination of local streets for the purposes of this provision shall be based upon the specifications of the Butler County Subdivision Regulations.

**7.03 PUD DISTRICT REVIEW PROCEDURE**

- (A) **PUD Initiation**
  - (1) A PUD District may be initiated by the property owner or an agent of the property owner.
  - (2) All PUD District applications shall be subject to Section [3.03: Common Review Requirements](#).
- (B) **Preliminary Development Plan and Zoning Map Amendment Review Procedure**
  - (1) **Step 1 – Pre-application Conference (Optional)**
    - (a) The applicant may request to meet with the Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.

- (b) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Ross Township or its officials regarding any aspects of the plan or application discussed.
- (2) **Step 2 – PUD District Zoning Map Amendment and Preliminary Development Plan Application**
- (a) Applications for a PUD District shall be submitted to the Zoning Commission at the township offices.
  - (b) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
  - (c) Each application shall be signed by at least one 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.
  - (d) All applications shall be submitted with the required fees as established in the Ross Township fee schedule.
- (3) **Step 3 – Referral to the Butler County Planning Commission**
- (a) Within five days after the filing of an application (Step 2), the township shall transmit a copy thereof to the Butler County Planning Commission.
  - (b) The Butler County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed PUD District and preliminary development plan, and shall submit such recommendation to the Zoning Commission.
  - (c) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.
- (4) **Step 4 – Public Hearing and Recommendation by the Zoning Commission**
- (a) Upon the filing of a PUD District zoning map and preliminary development plan (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment and preliminary development plan.
  - (b) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
  - (c) Notification shall be given in accordance with the ORC.
  - (d) Within 30 days after completion of the Zoning Commission’s public hearing, the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed PUD District zoning map amendment and preliminary development plan, and submit such recommendation together with such application, preliminary development plan, and recommendation of the Butler County Planning Commission to the Board of Trustees.
- (5) **Step 5 – Public Hearing and Decision by the Board of Trustees**
- (a) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed PUD District zoning map amendment and preliminary development plan.
  - (b) 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.

- (c) Notification shall be given in accordance with the ORC.
  - (d) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, the majority vote of the Board of Trustees shall be required.
  - (e) Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, general design standards, and building locations. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed final development plans.
  - (f) The Board of Trustees' decision on the PUD District zoning map amendment and the preliminary development plan 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 3.05\(C\): Effective Date and Referendum](#). After approval of the PUD zoning map amendment and preliminary development plan, and after the subsequent referendum period has ended, the zoning map shall be changed to reflect this amendment.
  - (g) In approving a preliminary development plan, the township shall establish the maximum gross density of the PUD. The project density approved by the Board of Trustees in the preliminary development plan shall be subject to the application of the development standards of this resolution and any conditions of the approved preliminary development plan. If, upon the application of the development standards and the conditions of the approved plan, the applicant cannot achieve the maximum approved density, then the applicant shall be confined limited to the density achieved from the application of the standards and any conditions.
- (6) Review Criteria for a Preliminary Development Plan**
- (a) The following criteria shall serve as conditions for the review and recommendation or decision on the preliminary development plan:
    - (i) The PUD and preliminary development plan are consistent with the intent and purpose of this resolution and, in particular, the furtherance of the purpose of the PUD as set forth in [Section 7.01\(A\): Overall Purpose](#).
    - (ii) The PUD and preliminary development plan are consistent with the adopted Ross Township Comprehensive Plan;
    - (iii) 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 Butler County Thoroughfare Plan, or other adopted transportation plans. 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;
    - (iv) The proposed infrastructure, utilities, and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities;
    - (v) 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;
    - (vi) Required open space areas are identified and provisions have been made for the care and maintenance of such areas;

- (vii) The design and layout of the open space areas incorporate existing natural resources in a method that provides benefit to the overall community while ensure long time protection of the resources; and
- (viii) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.

**(b) Crucial Features of the PUD District (Preliminary Development Plan)**

- (i) The township may incorporate a list of “crucial features of the PUD District” as part of a preliminary development plan approval.
- (ii) The crucial features of the PUD District are those items or features that the township finds crucial or indispensable to the PUD District 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 District. 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.
- (iii) The Zoning Commission may include a recommendation on the list of crucial features as part of their overall 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.
- (iv) 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.

**(C) Final Development Plan Review Procedure**

**(1) Step 6 – Submission of a Final Development Plan**

- (a) Once the PUD zoning map amendment and preliminary development plan have been approved by the Board of Trustees, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.
- (b) Prior to submitting a final development plan(s), the applicant should obtain preliminary subdivision plan approval from Butler County to ensure compliance with the subdivision regulations prior to finalizing the final development plan under this article.
- (c) 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.
- (d) The detailed final development plan shall be consistent with the applicable PUD requirements in this zoning resolution and the contents of the approved preliminary development plan.
- (e) A final development plan shall include all necessary legal documentation relating to the incorporation of a Homeowner’s Association for the purpose of maintaining the specified open space within all residential planned developments.

**(2) Step 7 – Public Meeting and Decision by the Zoning Commission**

- (a) 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\(C\)\(3\): Review Criteria for a Final Development Plan](#), have been met.
- (b) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of 10 days in advance of the scheduled meeting. The notice shall be sent through the regular mail and comply with [Section 3.03\(D\): Constructive Notice for All Proceedings](#).
- (c) Within 30 days of the Zoning Commission's public meeting, the Zoning Commission shall approve, approve with modifications, or deny the proposed final development plan.
- (d) 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.
- (e) 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.
- (f) The resolutions prepared by the Zoning Commission and Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the property in the PUD.
- (g) 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 15: Enforcement and Penalties](#).

**(3) Review Criteria for a 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 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. Each phase shall include a proportionate amount of the required open space to ensure that each phase is in compliance with the open space requirements.
- (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 Zoning Commission and Board of Trustees, left in its natural state.

- (e) That any exception from the design standards provided in the PUD District 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) Preliminary development plans and 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 District process and shall be placed in a prominent position on the drawings to remain a permanent component of the record drawings.

**(D) Time Limits**

- (1) The final development plan shall be submitted within one year after approval of the preliminary development plan, or the approval of the preliminary development plan will expire and the plan will be deemed null and void.
- (2) Upon expiration of the preliminary development plan, the property shall still be zoned as the applicable PUD sub-type with a voided preliminary development plan. The property owner or authorized agent may submit an application and new preliminary development plan for consideration pursuant to Section [7.03\(B\): Preliminary Development Plan and Zoning Map Amendment Review Procedure](#), or an application for a zoning map amendment to another district (See Section [3.05: Zoning Text or Map Amendment](#)).
- (3) An applicant can request an extension of any applicable time limit by requesting a status review of the PUD District with the Zoning Commission and requesting an extension as part of that review.
- (4) If the applicant has not received a building permit approval and initiated construction within one-year of the approval of the final development plan, or an extension pursuant to this article, both the preliminary and final development plans will become null and void.
- (5) 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 District zoning on the property to another zoning district. The applicant may also initiate a zoning map amendment or submit a new preliminary development plan, with all applicable fees, pursuant to the review procedure established in this article.

**(E) Phased Developments**

- (1) For phased developments, the Zoning Commission and Board of Trustees may approve a phased final development plan schedule as part of the preliminary and/or final development plan approval. In such case, the approved time frames shall establish when the approved development plans shall expire.

- (2) When an applicant proposes to complete the project in phases, each phase shall have adequate provision for access, open space, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth in this article. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. The open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

**(F) Approved Plans Stay with Land**

- (1) Approved 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 [3.05: Zoning Text or Map Amendment](#)

**(G) Required Conditions for the Issuance of a Zoning Certificate**

- (1) A zoning certificate may be issued for a structure in a PUD District, in accordance with an approved final development plan, following approval by the Butler County Planning Commission of a final subdivision plat for that portion of the PUD District within which the proposed structure is to be located, and recording of the approved subdivision plat.
- (2) No zoning certificate shall be issued for any property in a PUD District 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 Zoning Commission.

**(H) Modifications to Approved Preliminary or Final Development Plans**

- (1) If an applicant proposes to modify an approved preliminary development 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) **Minor Modifications**

Minor modifications shall include, but are not limited to, changes that do not 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 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 10 percent in the number of parking spots;
    - (iii) A change of the permitted uses to a use not otherwise permitted in the proposed PUD District;
    - (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 District; or
  - (vi) An expansion of a building footprint that affects the specified setbacks of the approved plan.
- (b) **Major Modifications**  
Major modifications shall include, but are not limited, to:
- (i) A change in density or intensity;
  - (ii) Changes to the property or project boundaries of the entire PUD District;
  - (iii) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations;
  - (iv) Anything not classified as a minor modification above; or
  - (v) 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) The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development plan or final development plan.
  - (b) 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.
  - (c) The decision of the Zoning Commission on minor modifications shall be deemed administrative.
  - (d) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development 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 preliminary development plan pursuant to Section [7.03\(B\): Preliminary Development Plan and Zoning](#) Map Amendment Review Procedure, with the following provisions:
    - (i) The new plan shall not be subject to review by the Butler County Planning Commission; and
    - (ii) Major modifications shall be subject to new application fees.
  - (b) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.

## **7.04 PUD DEVELOPMENT STANDARDS**

### **(A) Permitted Uses**

- (1) The following is a list of uses allowed in each type of planned development district subtypes.
  - (a) **R-PUD: Residential Planned Unit Development District**  
Any uses that fall within the following use classifications in [Table 5-1](#) may be considered in a R-PUD District:
    - (i) Agricultural use classification;

- (ii) Residential use classification; and
- (iii) Public and institutional use classification.

**(b) B-PUD: Business Planned Unit Development District**

- (i) Any uses that fall within the following use classifications in [Table 5-1](#) may be considered in a B-PUD District:
  - A. Agricultural use classification;
  - B. Public and institutional use classification;
  - C. Commercial and office use classification; and
  - D. Industrial use classification.
- (ii) Mixed use buildings and multi-tenant developments from the miscellaneous use classification are also allowed in the B-PUD Districts.

**(c) M-PUD: Mixed-Use Planned Unit Development District**

- (i) Any uses that fall within the following use classifications in [Table 5-1](#) may be considered in a M-PUD District:
  - A. Agricultural use classification;
  - B. Residential use classification;
  - C. Public and institutional use classification;
  - D. Commercial and office use classification; and
  - E. Industrial use classification.
- (ii) Mixed use buildings and multi-tenant developments from the miscellaneous use classification are also allowed in the M-PUD Districts.

**(2) Limiting Permitted Uses**

As part of the review of a PUD preliminary plan application, the Zoning Commission and Board of Trustees may identify uses that are permitted within a specific PUD type that should be limited (with set conditions) or prohibited within the proposed PUD preliminary plan application. Any such limitations and conditions shall be established in the approval of the PUD preliminary plan.

**(3) Accessory Uses and Structures in a PUD District**

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

- (a) Accessory uses and structures related to single-family dwellings in a PUD District shall be subject to the standards applied to accessory uses in the R-1 District.
- (b) Accessory uses and structures related to two-family or multi-family dwellings in a PUD District shall be subject to the standards applied to accessory uses in the R-4 District.
- (c) Accessory uses and structures related to nonresidential uses in a PUD District shall be subject to the standards applied to the B-4 District.

**(B) Development Standards**

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

**(1) Density and Intensity of Uses**

- (a) All PUDs shall comply with the standards set forth in [Table 7-1](#).

- (b) A minimum of 40 percent of the floor area in a M-PUD shall be residential dwelling units.
- (c) All open space required by this section shall be subject to Section [7.05: Open Space Standards](#).

TABLE 7-1: PUD DENSITY AND INTENSITY STANDARDS				
PUD District Type	Minimum Open Space Required (Of Total Site)	Maximum Gross Density (Total Site)	Maximum Net Density (Any One Acre)	Maximum Building Height
R-PUD	35%	2 units per acre	4 units per acre	35 feet
	50%	3 units per acre	8 units per acre	35 feet
M-PUD	20%	6 units per acre	8 units per acre	45 feet
B-PUD	No minimum open space is required and there is no maximum density applicable but the maximum lot coverage by buildings, pavement, and other hard surfaces shall not exceed 70% of the total site.			45 feet

**(2) Permitted Number of Dwelling Units**

- (a) The maximum permitted number of dwelling units in a R-PUD or M-PUD project shall be calculated by multiplying the total area of “residential developable land” by the maximum gross density. For the purposes of this calculation, “residential developable land” is any land area except land that is designated as or for:
  - (i) Rights-of-way that exist prior to the application, but not including rights-of-way that will be proposed as part of the application;
  - (ii) Land that is the floodway or other areas that are not developable for residential units due to state or federal standards;
  - (iii) Land that is permanently conserved; and
  - (iv) Land designated solely for nonresidential development.
- (b) The permitted number of dwelling units may be located on any size lot or in any area of the development in accordance with this article and outside of the required minimum open space area (See [Table 7-1](#)).

**(3) Lot Standards for Residential Only Uses and Developments**

- (a) The minimum lot area for any single-family dwelling shall be 5,000 square feet.
- (b) The minimum lot width for any residential use shall be 50 feet.
- (c) Lots of less than 8,000 square feet shall have garages that are either:
  - (i) Rear-loaded; or
  - (ii) Set back a minimum of five feet from the front façade of the remainder of the house.
- (d) There shall be a minimum distance of 60 feet between the rear facades of any two dwellings and 10 feet between the side facades of any two dwellings. If lots are established, these distance requirements do not have to be equally applied to each lot (i.e., there does not have to be a five-foot side yard setback on each lot to meet the 10-foot side façade separation).

- (e) The minimum front yard setback shall be 25 feet from any local residential street right-of-way; however, the facade of any front-loading garage (the garage portion of the front façade) shall be setback 30 feet from the street right-of-way. For homes that have frontage along a county designated road, the minimum front yard setback shall be 40 feet.
- (f) If no right-of-way exists, the minimum front yard setback shall be 25 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater. The facade of any front-loading garage (the garage portion of the front façade) shall be setback 30 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater

**(4) Lot Standards for Mixed Use and Nonresidential Uses**

There shall be no minimum lot area or lot width requirements for mixed use buildings or other nonresidential uses.

**(5) Architectural Standards**

- (a) At a minimum, all planned unit development applications shall be subject to the architectural standards of [Article 10: Architectural Standards](#).
- (b) It is the intent of the PUD to encourage a variety of roofline shapes but gabled roofs are highly encouraged with the exception of commercial uses and rowhouses or other types of housing attached through party walls.

**(6) Buffering**

- (a) A setback of 20 feet shall be provided along the perimeter of a R-PUD District where such district is adjacent to existing residential subdivisions. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer that provides 100% screening of the development.
- (b) A setback of 50 feet shall be provided along the perimeter of a B-PUD or M-PUD District where such district is adjacent to existing residential subdivisions or a residential zoning district. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer that provides 100% screening of the development. No setback or buffer shall be required if the B-PUD or M-PUD is adjacent to a nonresidential zoning district.
- (c) The planting and landscaping material standards of Section [11.04: Landscaping Materials and Standards](#), shall apply.
- (d) The applicant may request, or the Zoning Commission may recommend and the Board Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions warrant such modifications including opportunities for connectivity to adjacent uses and developments.

**(C) Street, Drive, and Sidewalk Requirements**

**(1) General Street and Drive Design Criteria**

- (a) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
- (b) Street alignments should follow natural contours and be designed to conserve natural features.
- (c) The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.

- (d) Dead-end streets shall be prohibited, except as stub streets.
- (e) Permanent cul-de-sac streets are strongly discouraged and should only be utilized in instances where they are necessary due to topography, configuration of land, existing road layouts or other special circumstances. The Zoning Commission and Board of Trustees may require stub streets to extend to the development boundaries for planned road connections.

**(2) Pedestrian Circulation, Walkways, and Trails**

- (a) A pedestrian circulation system shall be included in a R-PUD or M-PUD District and should be designed to ensure that pedestrians can walk safely and easily throughout the development, without having to walk or utilize the street for travel. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, "pedestrian crossing" signs shall be posted.
- (b) A trail system may be provided within the area of open space. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent feasible, natural materials should be used in the construction and maintenance of the trail system.
- (c) When developed adjacent to contiguous to a public trail, park, or recreation area, the development shall provide pedestrian access from the development to the public area by way of connecting walkway, trail, boardwalk, or bridge.

## **7.05 OPEN SPACE STANDARDS**

---

**(A) Purpose**

This section addresses the character and design of those portions of a development that are not occupied and do not have platted lots or streets and that are reserved for parks, trails, landscaping, and other common open space uses. The standards of this section apply regardless of whether or not the land involved will be owned or be dedicated to the township, county, homeowners' association, or other agency, and regardless of whether or not such open space will be open to the public or other residents of the development. This section also establishes ownership and minimum maintenance standards for homeowner associations, property owner associations, and nonresidential property owners related to open space.

**(B) Required Areas to be Placed in Open Space**

- (1) In general, required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
- (2) Floodways, as established by FEMA and administered by Butler County, shall be preserved within open space areas. Floodplains, as established by FEMA and administered by Butler County, are encouraged to be preserved as open space areas.
- (3) Retention or naturalized stormwater management areas that are designed to be an amenity, as determined by the Zoning Commission, can be considered as open space, however, only 50% of the surface area of any water body may be counted toward the open space requirements of this resolution.
- (4) In the case of phased developments, open space shall be provided in proportion with each developed phase.

- (5) The overall design of open space versus developed areas should be accomplished, to the maximum extent feasible, in a manner that will hide any developed areas behind trees and landscaping to maintain a rural or agricultural character along the road.<sup>33</sup>

**(C) Areas Not Considered Required Open Space**

Areas that specifically shall not be considered required open space include:

- (1) Private and public streets, and associated rights-of-way;
- (2) Public or private parking areas, access ways, and driveways;
- (3) Required setbacks between buildings, parking areas, and project boundaries;
- (4) Required setbacks between buildings and streets;
- (5) Required minimum spacing between buildings and parking areas;
- (6) Private yards, including front, back, and side yards;
- (7) Small, lineal strips of land, generally located along lot lines, that do not protect natural resources (e.g., slopes, existing vegetation, etc.) and are maintained in a similar fashion as the adjacent yards (e.g., mowed);
- (8) Land that is subject to preexisting conservation easements or similar limitations on development; and
- (9) Above ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

**(D) Use of Open Space**

Any area designated for required open space:

- (1) Shall be preserved in its natural state with the exception that trails and walkways may be established within the open space;
- (2) Shall be designed and intended for the use of residents of the proposed development and/or the general public;
- (3) May be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions;
- (4) May be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities;
- (5) May be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; and
- (6) May be used as active recreation areas. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to 20 percent of the total acreage devoted to required open space.

**(E) Design Standards for Open Space**

Land set-aside as open space shall comply with the following standards:

- (1) All areas of open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public road, or in the case of a mixed-use development, 15 feet of frontage on an public road or internal access drive.

---

<sup>33</sup> This is intended to get the builders to tuck development in behind landscaping, trees, and natural areas.

- (2) Areas of open space in residential subdivisions (of any type) shall be no less than 10,000 square feet in size.
- (3) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.
- (4) Wherever feasible, areas of open space should be contiguous, thereby eliminating small, isolated pockets of open space.

**(F) Protection and Maintenance**

**(1) Reclamation of Disturbed Open Space**

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

**(2) Future Subdivision and Development of Open Space**

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Ross Township and duly recorded in the office of the Butler County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by an homeowners' association, Ross Township (with its consent), a land trust or other conservation organization recognized by Ross Township, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

**(3) Conservation Easements**

With the permission of Ross Township, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to Ross Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Ross Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

**(4) Homeowners' Associations**

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

- (a) A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.
- (b) All homeowners' association agreements shall be submitted for approval as part of a zoning certificate, conditional use, planned development overlay, or planned development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.

- (c) All homeowners' 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:
- (d) If the open space or common area is owned by the township, township approved land trust or other qualified organization, county, state or park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.
- (e) If the open space or common area exists pursuant to a conservation easement in which the township is a party to such easement, the township may seek to enforce the terms of the conservation easement as provided in [Section 7.05\(F\)\(3\)](#).
- (f) If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the township may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.