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# PUD PLANNED UNIT DEVELOPMENT

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## **24.0 PURPOSE**

The intent of a Planned Unit Development (“PUD”) district shall be to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. Within a PUD in Harrison Township, these regulations, where applicable, need not be uniform but may vary in order to accommodate unified development and to promote the public health, safety, morals and the other purposes of the Harrison Township Zoning Resolution and the laws of the State of Ohio.

## **24.1 GENERAL**

A PUD may be residential, agricultural, business or manufacturing or any combination of the four. The minimum site area for residential, agricultural, business or manufacturing development is ten (10) acres. A combination of uses shall require a minimum area of forty (40) acres. A PUD may be considered in any or all (AG, R-DISTRICTS, BUSINESS, M-1) of the Harrison Township Zoning Districts. In combination developments with a residential section, the amount of land devoted to business or manufacturing usage shall not exceed fifty (50) percent of the gross acreage.

## **24.2 PRE-APPLICATION CONSULTATION**

An applicant is encouraged to engage in informal consultations with the Harrison Township Zoning Inspector (“Zoning Inspector”), Licking County Planning Commission (“LCPC”) staff, County Engineer, Licking County Soil and Water District and Public Utilities Provider prior to the filing of any application; however, no statement of representation by such persons shall be binding on either the Harrison Township Zoning Commission (“Zoning Commission”) or the Harrison Township Trustees.

## **24.3 DEFINITIONS**

1. Gross Acreage (GA) – The Applicant’s total land area included in the Application.
2. Open Space Development – Land that is designed and developed as a residential unit with open space as an integral characteristic. Instead of subdividing an entire tract into house lots of conventional size, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the tract is reserved for open space area, the future development or subdivision of which is prohibited.
3. Net Developable Area (NDA) – Determined by deducting fifteen percent (15%) of the proposed development gross acreage for streets and utilities and in addition all otherwise unbuildable areas. Net Developable Area (NDA) is computed as follows: multiply the gross acreage by eighty-five (85%) then subtract all of the following that apply:

If land is dedicated to public use as part of the PUD plan, and such dedicated tract will house public buildings (such as a school, fire station, police station, public recreational facility, township hall) that are approved by the Zoning Commission and if the public buildings occupy less than thirty (30%) of the tract so dedicated, the full land area of the tract dedicated to a public use may be included in the net developable area for density calculations.

If the buildings on the public dedication tract comprise more than thirty percent (30%) of the land area of the dedicated tract, the amount of the acreage in excess of thirty percent (30%) lot coverage of the dedicated tract shall be subtracted from the net developable area and reduce overall allowable project density.

- a. Jurisdictional wetlands (JW), as defined in the US Army Corps of Engineers' *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1*, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional Wetlands as regulated by Section 404 of the Clean Water Act consist of:
  - 1) hydric soil
  - 2) hydrophytic vegetation and
  - 3) wetland hydrology (this generally means they support more than fifty (50%) wetland vegetation and are poorly drained soils which are periodically inundated or saturated).
- a. flood plains (FP) - areas that lie within a FEMA 100-year flood plain, either within elevations determined by FEMA or mapped by FEMA.
- b. slopes (S) - greater than twenty (20%).
- c. utilities (U) - rights of way and easements for all utilities, including, but not limited to, water lines, sewer lines, gas, and petroleum pipelines, electric, telephone and cable lines.
- d. existing bodies of water (EBW).

The above is represented by the following mathematical formula, where "x" represents multiplication and "-" represents subtraction the formula is:

$$NDA = (GA \times .85) - (JW + FP + S + U + EBW)$$

4. Permitted Density (PD)- The maximum permitted density in a PUD shall be computed by dividing the Net Developable Area by twenty-five thousand (25,000) square feet.

This can be expressed as a formula:  $PD = NDA / .574$  (Note .574 acres = 25,000 square feet)

Note: In no case shall the lot size be less than twenty-five thousand (25,000) square feet with a minimum lot width at the building line of at least ninety (90) feet.

5. Open Space - Land within the development that shall not be built upon unless the Zoning Commission approves any building(s) for recreational use as described in 5.a) below and may be classified as either "common" or "natural" open space, or a combination of both.

Open space shall comprise a minimum of thirty percent (30%) of the proposed development's gross acreage. It does not include the areas of individual fee simple lots to be conveyed to homeowners. Open space land may be retained by the applicant, owned by homeowner's association, or may be owned by a third party if protected by an open space easement which permanently and irrevocably transfers the development rights from the open space land to the homeowner's association of the PUD. Open space shall also include buffers as defined in paragraph 10 below. For purposes of computing density, if the Buffer is buildable, it shall be considered common open space and if the Buffer is not buildable, it shall be considered natural open space.

- a. Common open space - land set-aside for passive or active recreational purposes. These areas may contain accessory buildings and improvements necessary and appropriate for recreational uses. If deemed appropriate by the Zoning Commission, common area may incorporate land for onsite wastewater disposal.
- b. Natural open space - land set-aside in its natural condition for the benefit of the residents of the PUD. Typical natural conditions might be, but are not limited to, ravines, wetlands, flood plains, woods, scenic views, or appropriate agriculture.
6. Open Space Easement - A recorded legal instrument which permanently and irrevocably transfers all development rights, other than for approved open space uses, from open space to the PUD lot owners. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.
7. Homeowner's Association - A private non-profit corporation, association or others non-profit entity established by the developer to maintain such open space and facilities as may be dedicated to subdivision residents. Membership in such an association shall be mandatory for property owners and made a required covenant in any deed issued. It shall provide voting and use rights in the open space areas when applicable and may charge dues to cover expenses, which may include tax liabilities of common areas, recreational or utility facilities. Articles of association or incorporation must be recorded pursuant to subdivision plat approval.
8. Phase - A portion of a PUD approved by the Zoning Commission to be developed in increments of no less than ten (10) acres each.
9. Complete or Completion - Shall mean that all streets, curbs, sidewalks, gutters, storm sewers, water, and sanitary sewer, electric, gas and all other utilities for the proposed development or the Phase under development have been constructed and/or installed to the satisfaction of and have been approved by the Licking County Engineer, Licking County Planning Commission and when the last occupancy permit is issued.
10. Buffers - A buffer yard shall be required along the boundary of any property which proposes to facilitate unlike land use and/or has a zoning classification that allows for an unlike land use from the adjacent properties. The width of a buffer shall be in accordance with the following:

Single-Family (detached) Residential	20 feet wide
All Other Single-Family or Multi-Family Residential	20 feet wide
All Business Areas	10 feet wide
All Manufacturing Areas	10 feet wide
11. Minimum Garage Size - Each residential dwelling shall include a permanently constructed garage of at least three hundred (300) square feet.

12. Required Yard Setbacks – All structures constructed shall have a minimum front yard of forty (40) feet, a minimum rear yard of forty (40) feet and minimum side yards of fifteen (15) feet per side. All street facing sides shall be considered front yards for setback purposes.
13. Minimum Lot Width at the Building Line: - The minimum lot width shall be no less than 90 feet at the building line.

See Article 10, Section 10.17, “BUFFERING AND SCREENING”, for specifications. The buffers shall be included as part of the Open Space.

#### **24.4 PUD PLAN SUBMISSION**

The applicant shall submit fifteen (15) copies of a proposed PUD Plan. The plan shall be drawn to scale 1" to 100' and submitted to the Zoning Inspector along with the required application fee. The proposed PUD Plan and application shall include the following:

1. Background Information:
  - a. Name, address, phone number and email address of applicant, and owner, if different.
  - b. Name, address, phone number and email address of registered surveyor, registered civil engineer, and or landscape architect assisting in the preparation of the PUD Plan.
  - c. Legal description of the property.
  - d. Description of existing use(s).
  - e. Written statements which offer a conceptual overview of the proposed development. These statements shall include a description of the nature of the proposed development, proposed land uses including specific types (e.g. local businesses, golf course, etc.) And the clientele for which it is to serve (e.g. public residents only, retirees, etc.). In addition, a statement must set forth reasons why the proposed PUD would be in the public interest and would be consistent with the stated intent of the PUD requirements described in this Resolution.
  - f. Description of proposed provisions for utilities including, but not limited to, water, sewer, power, and telephone service. The applicant shall include written certifications acceptable to the Zoning Commission from all public authorities or private entities which have jurisdiction over all utility systems servicing the property that there are adequate public utilities available to serve the proposed development and that the rezoning and subsequent use will not impose an undue burden on such services. The applicant shall also provide a description of the current status of the utilities with respect to the necessary review and approval of the same.
  - g. Written certifications acceptable to the Zoning Commission from the proper authorities that there are adequate public services available to serve the proposed development, including, but not limited to, fire protection, emergency service, schools, roads, etc. and that the proposed rezoning and subsequent use will not impose and undue burden on such services.
  - h. Deed restrictions, protective covenants, and other legal statements or devices to be used to control use, development, and maintenance, and shall be consistent with the approve PUD Plan.
  - i. If the applicant proposed to complete the development in more than one (1) phase the applicant must provide to the Zoning Commission for review and approval a description of how this phasing is to be accomplished and the proposed time schedule

- with a written notice required to be given by the applicant to the Zoning Inspector upon commencement of each phase.
- j. Written evidence that the applicant has sufficient control over the land in question and the financial capability to begin the proposed development or first phase within one (1) year of the effective date of the zoning map change. Written evidence that the first phase of a multi-phase or the entire development of a single-phase will be complete within three (3) years from the effective date of the zoning map change. For the second and subsequent phases of a multi-phase PUD a written agreement that each subsequent phase started will complete within three (3) years from the stated date of that phase.
  - k. Where the completion is to be in Phases and the streets and roads are to be dedicated to the public, the applicant agrees to either provide a maintenance bond in an amount satisfactory to the Harrison Township Trustees or to construct a service road for access to subsequent Phases. A copy of the maintenance bond provided to the Harrison Township Trustees shall be provided to the Zoning Inspector and such bonds are to be released immediately upon completion.
  - l. The applicant agrees to commit in writing to restore any constructed access road areas to natural landscaping when access roads are no longer required for the construction of the Planned Development or Phase. All restoration shall be complete within ninety (90) days upon completion of the Planned Development of Phase.
  - m. A list containing the names and mailing addresses of all property owners within five hundred (500) feet of the property in question shall be submitted on typed mailing labels. The addresses of financial or mortgage companies shall not be acceptable.
  - n. The Applicant shall submit with the application six (6) copies prepared by appropriate professionals for the following:
    - 1) an archaeological survey.
    - 2) an environmental impact study.
    - 3) a traffic analysis.
  - o. Certification by the Applicant that all information in the application is true and correct. A description of each land area based on its proposed use as it relates to the corresponding article in this resolution.
  - p. Fifteen (15) copies of all recorded comments and recommendations made by LCPC in the subdivision sketch meeting.
2. Plan Drawing – The following information shall be submitted and shown on the drawings of the site.
- a. a vicinity map size 8 ½ x 11 to be posted for the public notice. A vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest State Routes. Reference distances shall be in feet if less than one thousand (1000) feet and in miles or tenths of a mile greater than one thousand (1000) feet.
  - b. A table with the following information:
    - 1) net developable area, as defined herein.
    - 2) net open space in acres.
    - 3) net residential space in acres.
    - 4) net business space in acres.
  - c. Location, type, and permitted density of the proposed development types.
  - d. A survey of the proposed development site, showing dimensions and bearings of the

- property lines; area in acres, topography, and existing features of the development site, including major wooded areas, streets, easements, utility lines, and land uses.
- e. The location and dimensions of all lots, setbacks, and building envelopes, as well as those of any primary and secondary leaching fields envelopes.
  - f. A letter from the approving authority(ies) that the water/sewer will be available.
  - g. Conceptual drainage plan.
  - h. Natural features.
  - i. Location and acreage of open spaces (e.g. Parks, common space, recreational facilities, golf course layout, etc.), including landscaping plans for the same.
  - j. Location and acreage of “Buffers between incompatible land uses and activities, including landscaping plans for the same.
  - k. Proposed street system layout and circulation patterns, including curbs, gutters, sidewalks, and names of all proposed streets.
  - l. Layout and dimensions of all parking and loading areas with indications of what they are to serve.
  - m. Any existing buildings or potential environmental hazards (i.e. underground storage tanks, former industrial dump site, etc.).
  - n. Proposed point of access, for ingress and egress, onto existing roads.
  - o. Any proposed off-site improvement (derived from a field survey or aerial photography), and soil types obtained from the Licking County Soil and Water Conservation District.
3. Fees and Charges
- a. The applicant shall submit a fee according to the Harrison Township Zoning Fee Schedule. If the township expends mor funds than the established fee, the applicant will be billed by Harrison Township for any additional expenses. No zoning permits will be issued until the additional fee has been paid in full. All fees must be submitted at the time of application and in order for an application to be considered complete. Such Expenses may include items such as:
    - 1) The cost of professionals (e.g. geologists, landscape architects, planners, engineers, environmental scientists, and architect), incurred in connection with reviewing the plans and prepared reports.
    - 2) The publications and mailing of public notices in connection therewith, and
    - 3) Any other expenses attributable to the review of the plans.

## **24.5 CRITERIA FOR PUD APPROVAL**

The Zoning Commission shall not approve an application for a PUD District unless it shall, in each specific case, meet all of the following criteria:

1. The proposed development is in conformity with the goals and objectives of the Harrison Township Land Use Study.
2. The proposed development advances the general health, safety, and morals of Harrison Township.
3. The benefits, improved arrangements, and the design of the proposed development justify the deviation from standard development requirements included in the Harrison Township Zoning Resolution.
4. The uses requested in the proposal are compatible with surrounding land uses.

5. Certifications have been provided with the application for rezoning from each of the proper authorities indicating that there are adequate public services available to serve the proposed development, including, but not limited to, all fire protection, emergency service, schools, roads, etc., and will not impose undue burden on such services.
6. The proposed development will not create overcrowding and traffic hazards on existing roads and intersections.
7. The arrangement of land uses on the site properly consider topography, significant natural features, natural drainage patterns, view, and roadway access.
8. The clustering of development sites is shown to preserve any natural or historic features and provide usable common open space.
9. The proposed road circulation system is integrated and coordinated to include a hierarchical interconnection of interior roads as well as adequate outer connection of interior collector streets with off-site roads systems.
10. There are adequate Buffers between incompatible land uses.
11. The Zoning Commission is satisfied that the developer possesses the requisite financial resources to begin the proposed development of first Phase within one (1) year, and complete first Phase of the proposed development within three (3) years from the effective date of the zoning map change. The applicant has agreed to complete subsequent Phases of a multi-Phase PUD within three (3) years of commencement in said Phase.
12. The applicant has committed in writing to complete within the period of time specified in paragraph 11 above, all infrastructure improvements described in the PUD Plan.
13. The site will be accessible from public roads that are adequate to carry traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. If constructed to the same standards as public streets, private streets will be permitted.
14. The PUD Plan contains such proposed covenants, easements and other provisions relating to the proposed developments standards, as required for the public health, safety, and welfare.
15. 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 a PUD District

not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.

16. When business or manufacturing structures or uses in the PUD District abut an “R” District, screening shall be provided. In no event shall a business or manufacturing structure in a PUD District be located nearer than one hundred fifty (150) feet to an “R” District.
17. The proposed development shall meet the permitted density and open space requirements as defined herein.
18. Minimum lot width, lot area and setback requirements will be reviewed and considered for each PUD Plan.
19. With exception of those items listed in paragraph 18 above, each site area in the proposed development shall meet the criteria in the following articles of this Resolution:
  - Agricultural area-See Article 12
  - Residential area-See Article 13
  - Business area-See Article 15
  - Manufacturing area-See Article 16
20. All site areas with exception of single family residential, must comply with Articles 18 and 19 of the Resolution.
21. The applicant will commit in writing at the time of the application to place in a deed to be recorded upon approval of the applicant’s PUD Plan the regulations approved by the Zoning Commission that will apply only to the applicant’s property.
22. The applicant has agreed to provide a maintenance bond or construct a service road for access to subsequent Phases.
23. The applicant has submitted a written agreement pertaining to land reclamation for construction roads.

#### **24.6 ACTION BY THE ZONING COMMISSION ON PUD PLAN**

The Zoning Commission shall hold a public hearing on the zoning map change and the PUD Plan as provided in Section 6.11 through 6.13 of this Resolution. Such public hearing shall consider all aspects of the zoning map change and PUD Plan including any proposed Phases and/or units of development. The Zoning Commission shall prepare and transmit to the Harrison Township Trustees and to the applicant, specific findings of fact with respect to the extent to which the zoning map change and PUD Plan complies or fails to comply with the standards set out in this Section and the District for which the change has been requested, together with its recommendations to the Harrison Township Trustees with respect to the action to be taken. The Zoning Commission in recommending approval, approval with amendments, conditions or restrictions or disapproval, shall follow the provisions of section 6.7 through 6.10 of the Resolution.

#### **24.7 ACTIONS BY THE BOARD OF TOWNSHIP TRUSTEES**

The Township Trustees shall hold a public hearing on the zoning map change and the PUD Plan as provided in section 6.11 through 6.13 of this Resolution. If the applicant is granted, the area of land involved shall be rezoned as a PUD district by a resolution and such resolution shall incorporate the zoning map change and PUD Plan, including all regulations, conditions and restrictions that shall be imposed by the Township Trustees. The Township Trustees shall instruct



the Zoning Inspector to issue a zoning certificate for each Phase or Planned Development in accordance with the terms and conditions of such resolution.

## **24.8 EXTENSION OF TIME**

If the construction of the proposed development or Phase approved under this Article is not commenced within one (1) year and completed within three (3) years from the effective date of the zoning map change, the Zoning Commission and Harrison Township Trustees may (in accordance with Article 6) initiate a rezoning amendment for the subject property (or part thereof) back to the original zoning district or districts in place prior to the rezoning to PUD. An extension of the time limit for the completion of an approved PUD Plan may be authorized by the Harrison Township Trustees, for a period not to exceed two (2) years, based on the findings that such extension is not in conflict with the general health, safety, and morals of the public. The decision must also be based on evidence that the developer made a reasonable effort toward the accomplishment of the original PUD Plan.

## **24.9 MODIFICATION OF PUD FINAL DEVELOPMENT PLAN**

1. Minor changes shall not require a formal request to modify the approved PUD Development Plan. The township, by way of the Zoning Inspector, must be notified of these changes. A minor request shall be limited to the following:
  - a. Development name change.
  - b. Information within an application such as phone numbers, addresses, and engineers.
2. Major changes to the PUD Development Plan shall require a formal administrative review for the modification(s) and shall follow the procedures outlined in Article 6-Amendment, Sections 6.7 through 6.12. A major change shall include:
  - a. A change in use.
  - b. An increase in density, change in lot size.
  - c. Any change in setback, lot configurations or street location.
  - d. A change in dwelling square footage or structure height.
  - e. A reduction in open space.
  - f. Any change that is not a minor change as defined in Section 24.9- #1.

The application for a major change to the approved PUD Development Plan and/or text shall include findings that are based on new engineering or scientific testing evidence for the reason for such proposed changes to the plan or text.

### *Revisions:*

*Adopted Date 5-3-2021 Effective 6-2-2021 24.3 Revised #4, added 11,12 and 13*

*Adopted 11-4-2019 Effective 12-4-2019 Revisions to 24.4, 24.6, Added 24.9*

*Adopted 5-20-2013 Effective 6-19-2013 Revision to 24.3.10 (reference to 10.17*

*Adopted 5-01-2000 Effective 5-31-2000*