

ARTICLE 20
“PD” PLANNED DEVELOPMENT

Section 20.01 Purpose

The purpose of the PD Planned Development District is to:

- A. Allow for flexibility in the zoning requirements where the result will be a higher quality development;
- B. Provide for and locate suitable recreational facilities, open space, and other common facilities, while preserving the existing rural landscape to the greatest extent possible;
- C. Encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
- D. Obtain creative and coordinated designs in harmony with surrounding uses and allow procedures supplemental to those applicable in other use districts to establish under which development plans particularly designed to meet the objectives of this Article; and
- E. Allow for creative development that conforms to the goals and objectives set for in the Bethel Township’s Current Land Use Plan.

Section 20.02 Types of Planned Developments

The following are the types of planned developments permitted within Bethel Township, pending approval by the Zoning Commission and the Board of Township Trustees:

“PD-R”	Planned Development Residential
“PD-RM”	Planned Development Residential Multi-family
“PD-RC”	Planned Development Residential Conservation
“PD-O”	Planned Development Office
“PD-OR”	Planned Development Office Residential
“PD-B”	Planned Development Business
“PD-I”	Planned Development Industrial
“PD-T”	Planned Development Transition
“PD-MU”	Planned Development Mixed Use

Section 20.03 Permitted Uses

Permitted uses in a PD District shall be as follows:

- A. All uses in a PD District are subject to the approval of a preliminary development plan and final development plan by the Zoning Commission and the Board of Township Trustees pursuant to Subsection 20.03 through 20.10

- B. Table 20.1 illustrates the permitted uses within each PD District.

Table 20.1 Planned Development Permitted Uses									
Permitted Uses	Planned Development District								
	PD-R	PD-RM	PD-RC	PD-O	PD-OR	PD-B	PD-I	PD-T	PD-MU
Permitted Uses in the R-1AAA Districts	P	P	P		P			P	P
Permitted Uses in the B-1, B-2 and B-3 Districts				P	P	P	P	P	P
Permitted Uses in the I-1 and I-2 Districts							P	P	P
Permitted Uses in the A-1 and A-2 Districts	P		P					P	P

- C. Uses not specifically listed as permitted by these districts in Table 20.1 may be permitted if the Zoning Commission and/or Board of Trustees determine the uses to be of the same general character as the above permitted uses.

Section 20.04 Standards for Approval of Planned Developments

Approval of an application for a Planned Development shall be based on the specific case, based on the particular evidence presented, which support conclusions that:

- A. The proposed development is consistent in all respects with the purpose and intent of this Zoning Resolution.
- B. The proposed development is in conformity with the Bethel Township's current land use plan.
- D. The proposed development advances the general welfare of the community and the immediate vicinity and will have a beneficial effect which could not be achieved as well under other zoning districts.
- E. The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer.
- F. Appropriate arrangements with the applicant have been made which will ensure the completion of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan. If deemed necessary by the Board of Township Trustees during the preliminary development plan process, this may require that the Board of Township Trustees hold bond to ensure the successful and proper completion.
- G. 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.
- H. The site will be accessible from public thoroughfares adequate to carry the traffic, which will be imposed upon them by the proposed development, and the streets and driveways on the site of the proposed development or occupants of the proposed development.
- I. The proposed development will not impose an undue burden on public services and facilities, including fire and police protection.
- J. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities will be compatible with the surrounding land uses, and any part of a Planned Development not used for structures, access ways, parking and loading areas will be landscaped or otherwise improved.

- K. The minimum common open space area(s) have been designated and are to be duly transferred to a legally established Homeowner’s Association or will be accepted by Bethel Township or another public or quasi-public agency in Miami County or the State of Ohio.
- L. That any part of the Planned Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Zoning Commission, left in its natural state.
- M. The preliminary development and final development plans have been appropriately transferred to all other agencies and departments charged with the responsibility of review.

Section 20.05 Planned Development Procedures

The following process and procedures shall be used when seeking approval of a Planned Development which shall include a pre-application meeting, preliminary development plan and a final development plan.

A. Initiation

The owner or owners or agents of a tract of land may request a Planned Development in accordance with this Resolution.

In cases where there is multiple property owners involved in the Planned Development, the application shall include a “consent to rezone” letter from all property owners. Additionally, there shall be a single contact or agent for the property owners who will be responsible for contact with the Township.

B. Procedure

1. Step 1 – Pre-application Conference

- a. The applicant shall meet with the Bethel Township Zoning Department to discuss the initial concepts of the Planned Development and general compliance with applicable provisions of this Resolution prior to the submission of the application.
- b. During this time, an applicant may also request a preliminary, informal meeting with the County Engineer, County Sanitary Engineer, the County Planning Director, and the Township Administrator.
- c. Discussions that occur during a pre-application conference or a preliminary meeting with Township or County staff are not binding on the Township and do not constitute official assurances or representations by Bethel Township or its officials regarding any aspects of the plan(s) or application(s) discussed.

2. Step 2 – Application
 - a. Following the pre-application conference with the Bethel Township Zoning Department, the applicant shall submit an application for a zoning map amendment and preliminary development plan to the Township Zoning Department.
 - b. The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Department to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum requirements may be adopted by the Board of Township Trustees.
 - c. Each such application shall be signed by at least one (1) 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 Bethel Township fee schedule.
 - e. The applicant shall submit the preliminary development plan simultaneously with the application for a zoning map amendment.
 - f. Three (3) print copies and one electronic copy of the preliminary development plan submission shall be in a form as prescribed by the Zoning Commission. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.
 - g. Preliminary development plans shall include the following as a minimum:
 1. Approximate areas and arrangement of the proposed uses and the relationship of abutting land uses and zone districts;
 2. The proposed general location of vehicular circulation;
 3. The proposed treatment of existing topography, drainage ways and tree cover;
 4. The location of schools, parks, community amenities or facilities, if any;
 5. Anticipated time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a 2 year time period;
 6. In the case of a PD-R, PD-RM, PD-OR, PD-T, and PD-MU District, the preliminary development plan shall also include the proposed type of unit, density level, and proposed area setbacks of each residential area, and the type, general location and approximate acreage of

the common open space. All other miscellaneous and accessory uses shall also be included;

7. In the case of PD-O, PD-B, PD-I, PD-T, and PD-MU the preliminary development plan shall identify the principal and accessory types of uses that are to be included in the proposed development, including their approximate location, size, and intensity. The proposed type, general location and approximate acreage of common open space shall also be included; and
8. Any other information required by the Zoning Commission.

3. Step 3 – Referral to the Miami County Planning Commission

- a. Within 10 days after the application (Step 1) and submission of the preliminary development plan (Step 2), the Zoning Commission shall transmit a copy thereto to the Miami County Planning Commission to be placed on the first available agenda.
- b. The Miami County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed map amendment 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 and preliminary development plan.

4. Step 4 – Public Hearing with the Zoning Commission

- a. Upon the filing of an application and preliminary development plan for any PD District amendment (Steps 1 and 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 from the date of the recommendation of the Miami County Planning Commission.
- c. Notification shall be given in accordance with the ORC.

5. Step 5 – Recommendation by the Zoning Commission

Within 30 days of the Zoning Commission's public hearing (Step 4), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and preliminary development plan, and submit such recommendation together with such application, preliminary development plan, and recommendation of the Miami County Planning Commission to the Board of Township Trustees.

6. Step 6 – Public Hearing with the Board of Township Trustees

- a. Upon receipt of the recommendation from the Zoning Commission (Step 5), the Board of Township Trustees shall set

- a time for a public hearing on such proposed amendment and preliminary development plan.
 - b. The date of the public hearing shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
 - c. Notification shall be given in accordance with the ORC.
7. Step 7 – Decision on Map Amendment and Preliminary Development Plan
- a. Within 20 days after its public hearing (Step 6), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof.
 - b. If the amendment is denied, the applicant may appeal the decision to the Court of Common Pleas.
 - c. Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, design standards, and building location. 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.
 - d. Following approval of the PD District map amendment and preliminary development plan, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.
8. Step 8 – Submission of a Final Development Plan
- a. Once the PD District and preliminary development plan been approved by the Board of Township Trustees, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.
 - b. Three (3) copies and one electronic copy of the final development plan submission shall be submitted in a form as prescribed by the Zoning Commission. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.
 - c. The detailed final development plan shall be consistent with the contents of the approved preliminary development plan, and be prepared by a professional urban planner, engineer, architect or landscape architect.
 - d. If applicable, 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 common open space within the planned development.

9. Step 9 – Public Meeting with the Zoning Commission
 - a. The Bethel Township Zoning Department shall study the final development plan and confer with other agencies having jurisdiction as appropriate in the case, to determine general acceptability of the proposal submitted. Staff shall submit written recommendations to the Zoning Commission and the applicant prior to the public meeting held by the Zoning Commission.
 - b. Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public meeting of the Zoning Commission, study and review the detailed final development plan(s) on the basis that all requirements have been satisfied, and the conditions specified have been met.
 - c. Upon submittal of the Final Development Plan the staff shall place the application on the next regularly scheduled Zoning Commission agenda.
 - d. Notification shall be given in accordance with the ORC.

10. Step 10 – Decision by the Zoning Commission
 - a. Within 30 days of the Zoning Commission’s public meeting (Step 9), the Zoning Commission shall decide to approve, approve with modifications, or deny the final development plan(s).

11. Step 11 – Public Hearing with the Board of Township Trustees
 - a. Upon receipt of the recommendation from the Zoning Commission (Step 10), the Board of Township Trustees shall set a time for a public hearing on such proposed amendment and final development plan.
 - b. The date of the public hearing shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
 - c. If the final development plan(s) is denied, the applicant may appeal the decision to Miami County Court of Common Pleas.
 - d. Notification shall be given in accordance with the ORC.

Section 20.06 Time Limits

- A. The final development plan(s) shall be submitted within one (1) year of 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.
- B. Upon expiration of the preliminary development plan, the property shall still be zoned as a planned development with a voided preliminary development plan. The property owner or agent may submit an application and new final development plan for consideration pursuant to this Article or an application for a zoning map amendment.
- C. Upon the expiration of the preliminary development plan, the Board of Township Trustees or the Zoning Commission may initiate a zoning map amendment.
- D. The Zoning Commission may authorize and extension of these time limits if good cause is shown for the delay of the final development plan submission.
- E. For phased developments, the Zoning Commission and Board of Township Trustees may approve a phased final development plan schedule as part of the preliminary development plan approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.

Section 20.07 Effect of a Final Development Plan

- A. The approved final development plan shall be kept on record in the Bethel Township Zoning Department together with all resolutions, applications, plats, plans, and other information regarding the development.
- B. The Resolutions prepared by the Zoning Commission and Board of Township Trustees serve as the official record for the permitted uses and activities which are approved for the planned development landholding.
- C. The use of the planned development landholding 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 Resolution and subject to the procedures and penalties specified in this Article.

Section 20.08 Required Conditions for the Issuance of a Zoning Certificate

No Zoning Certificate shall be issued for any property in a PD District and no construction, except preliminary excavation, shall begin until a valid final development plan is in effect for that phase or property. The Final Development Plan becomes valid upon approval of a Resolution by the Bethel Township Trustees.

Section 20.09 Modifications to Planned Developments

An approved Preliminary Development Plan or Final Development Plan may be amended by following the procedures described in this Section.

- A. **Minor Adjustments.** The Zoning Administrator may authorize minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, walls, building locations, and building configurations, parking area

locations or other similar project particulars. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to Lot lines, and appear necessary in light of technical or engineering considerations.

- B. Major Adjustments. Major adjustments to any Preliminary and/or Final Development Plan that substantially alter the concept or intent of the approved Preliminary and/or Final Development Plan, may be approved only by the Zoning Commission and the Board of Township Trustees upon a petition to amend the Preliminary Development Plan and/or Final Development Plan, pursuant to the procedures for Preliminary Development Plan Approval or Final Development Plan Approval, as the case may be, set forth in this Article.

Section 20.10 Design Standards for Planned Developments

The following design standards shall apply as minimums for all Planned Developments:

- A. The minimum acreage for Planned Districts is as follows:

Table 20.2 – Minimum Acreage for Planned Districts	
PD District	Minimum Acreage
PD-R	10 Acres
PD-RM	10 Acres
PD-RC	10 Acres
PD-O	2 Acres
PD-OR	5 Acres
PD-B	2 Acres
PD-I	2 Acres
PD-MU	10 Acres
PD-T	2 Acres

- B. Design standards for area, lot coverage, density, yard requirements, parking, landscaping, and screening for a proposed PD District shall be established in the PD Preliminary development plan by the Zoning Commission and Board of Township Trustees.
- C. Exceptions and variations from the standards provided by the based zoning districts of this Resolution (e.g., R-1AAA, B-1, etc.) may, and should be granted by the Zoning Commission and Board of Township Trustees when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted.
- D. Standards for public infrastructure improvements shall be governed by the applicable regulations of the agency with jurisdiction that is charged with the responsibility for review and approval.
- E. There shall be reserved, within the tract(s) to be developed, a minimum percentage of land area of the entire tract(s) for use as common open space. The Zoning Commission and Board of Trustees may require additional open space as warranted by the individual development plan. This minimum percentage of land shall be as follows:

Table 20.3 – Planned Development Open Space Requirements	
PD District	Minimum Open Space Requirement
PD-R	30%
PD-RM	40%
PD-RC	50%
PD-OR	30%
PD-O	30%
PD-B	20%
PD-I	20%
PD-T	20%
PD-MU	30%

1. Required common open space shall not consist of isolated or fragmented pieces of land which will serve no collective purpose or which will present maintenance difficulties if maintenance is required.
2. Required common open space may include: woodlands, stream corridors, pedestrian walkways other than sidewalks, parkland, unimproved open areas, bridle paths, drainage ways and detention basins, swimming pools, clubhouses, tennis courts, golf courses, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street right-of-ways.
3. Ownership of common open space in a PD-R, PD-RM, PD-RC, and PD-OR shall be transferred by the developer to a legally established homeowners association, private ownership, or if accepted, to the Board of Township Trustees, or other public or quasi-public agency.
4. Common open space that includes a clubhouse, golf course or other recreational facilities may remain in private ownership, subject to size and special conditions applied by the Zoning Commission and Board of Township Trustees.
5. Common open space in a PD-O, PD-B, PD-I, PD-T, or PD-MU may also be dedicated to the Township or other public or quasi-public agency pursuant to the above requirements or remain in private ownership, provided public easement, as determined necessary by the Zoning Commission and Board of Trustees, is granted and officially recorded on the plat.