

# Article 5: Planned Unit Development (PUD) District

## 5.01 PURPOSE

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- (A) The purpose of the Planned Unit Development (PUD) District is to provide a means for encouraging ingenuity, imagination, and flexibility in the planning and designing of land areas and permitting uses and intensities of development which could cause adverse impact in other zoning categories. The PUD regulations provide a controlled flexibility by utilizing objectives and performance standards rather than rigid design requirements, the intent being to encourage developments which possess greater amenities than that resulting under standard zoning district requirements.
- (B) It is not the intent of the PUD to allow applications to circumvent the intent of this resolution to permit residential density, housing types, commercial or industrial uses, or street and utility layouts that conflict with adopted township plans and policies or the character of the area.
- (C) It is furthermore the purpose of the PUD regulations to:
  - (1) Encourage creative and high-quality developments that are compatible with surrounding land uses, achieve a high degree of pedestrian-vehicular separation, and contribute to the overall quality of Boardman Township;
  - (2) Protect natural features such as topography, trees, and drainage ways in the existing state as much as possible;
  - (3) Provide for appropriate, adequate and usable open space where there is a residential component to the proposed PUD;
  - (4) Ensure that there are adequate services and infrastructure to serve the proposed development and not decrease the services or infrastructure for existing uses; and
  - (5) Promote a harmonious design among the various elements and uses within the development while mitigating any potential negative impact on surrounding properties.

## 5.02 SCOPE AND APPLICABILITY

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- (A) The intent of the PUD regulations is to provide a means for applying comprehensive and flexible planning and design techniques on properties substantially sized to accommodate such a plan. As such, the minimum size of any PUD project or plan shall be five acres. PUD proposals shall not be applied to small areas as a means of bypassing traditional district regulations.
- (B) The Zoning Inspector may authorize an application for a smaller PUD if the applicant demonstrates that the proposed development is of such a mixture of uses and such a development intensity, not otherwise allowed in the base zoning districts in this resolution, but that is otherwise in line with the adopted plans and policies of the township that such development warrants a special review by the township.

## 5.03 PUDS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS RESOLUTION

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Any Planned Unit Development (PUD) 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 [5.04\(F\)](#).

## 5.04 PUD REVIEW PROCEDURE

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- (A) In order to submit an application for PUD review, the lot(s) included within the proposed PUD shall be under a single ownership or control, or shall be subject to a joint application by the owners of all property included within the proposal.
- (B) **Basic Review Procedure Information and Options**
  - (1) All applications for a PUD shall include a separate application for a zoning map amendment that shall take place simultaneously with the submission and review of the PUD Preliminary Plan. The Zoning Commission and Township Trustees shall approve the initial plans by resolution using the notice and procedure requirements for as zoning map amendment as established in Section [3.03: Zoning Text or Map Amendment](#).

- (2) All applications for PUD review shall be required to submit both a PUD Preliminary Plan and PUD Final Plan. Preliminary and final plans may be submitted and approved simultaneously where an application is for a development that has less than 25 acres in total project area.

**(C) PUD Review Procedure**

**(1) Step 1 – Pre-Application Conference**

A pre-application conference shall be required for all applications. The procedure and requirements for a pre-application conference shall be as established in Section [3.03\(C\)\(1\)](#), however for PUDs it shall be mandatory and not optional.

**(2) Step 2 – PUD Preliminary Plan and Zoning Map Amendment**

- (a) The applicant shall apply for a zoning map amendment for a PUD and shall submit all of the submittal requirements for a zoning map amendment as well as a PUD Preliminary Plan.
- (b) All applications shall be submitted with the required fees as established in the Boardman Township fee schedule.
- (c) The procedure for this the PUD Preliminary Plan and zoning map amendment review shall comply with the requirements of Section [3.03: Zoning Text or Map Amendment](#).
- (d) The Zoning Commission shall review the PUD Preliminary Plan and make a recommendation to the Township Trustees to:
- (i) Approve;
  - (ii) Approve with modifications; or
  - (iii) Deny the application.
- (e) The recommendation shall be made based on review of the application using the review criteria for a zoning map amendment and the review criteria for PUDs as established in this article.
- (f) The Zoning Commission may, in its recommendation to the Township Trustees, require that the PUD Final Plan be submitted in stages corresponding to different units or elements of the development. It may do so only upon evidence ensuring completion of the entire development in accordance with the PUD Preliminary Plan and phased development schedule.
- (g) In accordance with the zoning map amendment review process, the Township Trustees shall hold a public hearing on the PUD Preliminary Plan and zoning map amendment and decide to approve, approve with modifications, or deny the application using the criteria contained in this article.
- (h) The Township Trustees' decision on the PUD Preliminary Plan and zoning map amendment is a legislative action of the Township Trustees and is subject to the same effective date and referendum provisions as set forth in Section [3.03\(D\): Effective Date and Referendum](#). After approval of the PUD Preliminary Plan and zoning map amendment, and after the subsequent referendum period has ended, the zoning map shall be changed to reflect this amendment.
- (i) In making its recommendations or decisions, the Zoning Commission and/or Township Trustees may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Zoning Commission and/or Township Trustees may permit the applicant to revise the plan and resubmit it as a PUD Preliminary Plan within 60 days of such action. Such resubmission shall be made to the board that imposed such conditions.
- (j) Approval of the PUD Preliminary 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.

**(3) Step 3 – PUD Final Plan Review**

- (a) Within one year after the approval of the PUD Preliminary Plan, the applicant shall file a PUD Final Plan for the entire development, or when submitting in phases, for the first phase of the development.

- (b) If more than one year passes from the date of approval of the PUD Preliminary Plan and the PUD Final Plan has not been submitted for approval or a request for up to a one-year extension, for good cause shown, has been filed with the Zoning Inspector, the PUD Preliminary Plan shall be deemed expired and the applicant must resubmit such plan. In no case shall a PUD Preliminary Plan be valid for more than two years. After the PUD Preliminary Plan has expired, the PUD zoning designation shall remain in place, but no development shall be authorized unless the property owner, or authorized agent, submits a new PUD Preliminary Plan for review pursuant to this article, or applies for a zoning map amendment to another zoning district. The Zoning Commission or Township Trustees may also initiate a zoning map amendment after the expiration of a PUD Preliminary Plan.
- (c) Preliminary subdivision plat review by Mahoning County may occur concurrently with the PUD Final Plan approval. The applicant is responsible for ensuring the proposed plan complies with the Mahoning County Subdivision Regulations. Boardman Township shall not be required to waive any standards if the proposed plan does not comply with the Mahoning County's Subdivision Regulations.
- (d) An applicant shall submit a PUD Final Plan for review. The application shall be subject to the common review requirements of Section 3.02: [Common Review Requirements](#). and the required fee shall be submitted, as established in the Boardman Township fee schedule.
- (e) Upon determination by the Zoning Inspector that the PUD Final Plan application is complete, such plans shall be submitted to the Architectural Review Board for review at its next regularly scheduled meeting, or at a special meeting.
- (f) The Architectural Review Board will review the PUD Final Plan to determine whether it conforms to all substantial respects to the previously approved PUD Preliminary Plan and to all other applicable standards of this resolution.
- (g) The Architectural Review Board shall hold a public meeting on the PUD Final Plan and decide to approve, approve with modifications, or deny the application using the criteria contained in this article.
- (h) In its decision, the Architectural Review Board may impose such conditions of approval as are in its judgment necessary to ensure conformity to the applicable criteria and standards. In so doing, the Architectural Review Board may permit the applicant to revise the plan and resubmit it as a PUD Final Plan within 60 days of such action. Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this section and no zoning certificate will be issued.

**(4) Step 4 - Zoning Certificate Issuance**

- (a) Zoning certificates shall not be issued until the lot or applicable subdivision has been fully recorded in the office of the Mahoning County Recorder's Office and public improvements have been installed in accordance with the applicable subdivision regulations.
- (b) Zoning certificates shall only be approved when the proposed zoning certificate application shows compliance with the approved PUD Preliminary and Final Plan as well as any other applicable section of this resolution.

**(D) Time Limits for the PUD Final Plan**

- (1) Any PUD Final Plan shall be valid for a period of two years after the date of approval by the Architectural Review Board. If no development has begun (development being defined as the start of construction of the required public/private improvements as shown on the approved Final Plan for one or more phases of the project) in the PUD within two years from the date of approval, such approval of the PUD Final Plan shall lapse and be of no force and effect.
- (2) Two, one-year extensions of the time limit set forth in Paragraph (1) above, may be granted by the Architectural Review Board if such extension is not in conflict with the most current adopted township plans or policies and that such extension is in the best interests of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension.
- (3) If an approved PUD Final Plan lapses as provided in Paragraphs (1) and (2) above, the originally approved PUD Preliminary Plan shall also be considered void. Notice of such lapse shall be filed by the Zoning Commission and forwarded to the Township Trustees.

- (4) Voiding of the PUD Preliminary and Final Plans shall not rezone the property. After such plans are voided, the Zoning Commission, the Township Trustees, or property owners may initiate a rezoning to another zoning district in accordance with Section [3.03: Zoning Text or Map Amendment](#) or the property owner, or their agent, may resubmit a new PUD Preliminary Plan in accordance with the procedures of this article.

**(E) Waiver of Standards**

- (1) To encourage ingenuity, imagination and flexibility in the design of PUDs and prevent unnecessary hardships, the Zoning Commission may choose to waive specific standards cited in this article during the review of the PUD Preliminary Plan. By motion, the Zoning Commission may waive specific standards based on one of the two following findings:
  - (a) The waiver will allow for improvement in overall design of the development and will enhance the proposal's compliance with the general criteria for approval in this article; or
  - (b) The waiver will remedy a standard causing practical difficulty or unnecessary hardship to the property owner. The difficulty or hardship caused is due to exceptional circumstances applying to the property but not caused by the owner. Financial hardship shall not be a consideration. The waiver is necessary for preservation of substantial property rights possessed by others in the same PUD District. After the waiver is approved the development will continue to comply with the general criteria for approval in this article.
- (2) The applicant shall identify each requested waiver at the time of application and explain in writing how the waiver meets one of the two findings. Prior to making an overall recommendation regarding the PUD application, the Zoning Commission shall, by motion, accept or reject the requested waiver. Any recommendation of the Zoning Commission shall be by a simple majority of the full membership of the Zoning Commission.

**(F) Changes or Modifications to Approved PUDs**

- (1) A PUD shall be constructed and completed in accordance with the approved PUD Final Plan and all supporting data. The PUD Final Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the PUD as set forth therein.
- (2) Where a property owner on a lot in a PUD seeks a variance from the applicable standards for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section [3.04: Variance or Conditional Use](#).
- (3) Any request to change or otherwise modify the approved PUD Final Plan as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.
- (4) **Major Change**
  - (a) Major changes to a PUD require the prior approval of the Zoning Commission and the Township Trustees in the same process, and with the same hearings, as that used to review the PUD Preliminary Plan. The Zoning Inspector shall have the authority to determine if a proposed change is a major change. Such changes include, but are not limited to:
    - (i) Expansion of the PUD project beyond the original tract coverage;
    - (ii) Removal or subtraction of land from the original tract coverage; and
    - (iii) Proposed changes that will result in an increase in residential dwelling units of more than 5 percent of the total dwelling units proposed or an aggregate increase of more than 10 percent in nonresidential square footage.
  - (b) Changes that require the approval of only the Zoning Commission at a public hearing include, but are not limited to, the following:
    - (i) Changes in the plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and
    - (ii) Amendments to the conditions that were attached to the PUD Preliminary Plan or PUD Final Plan approval.

**(5) Minor Changes**

- (a) Minor changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved PUD Preliminary Plan and which are essentially technical in nature, as determined by the Zoning Inspector.
- (b) Examples of minor changes include but are not limited to: change in the intensity of lighting, changes in the size and location of water and sewer lines within approved easements and changes in the location and number of fire hydrants.
- (c) The Zoning Inspector shall notify the Zoning Commission of all such approved minor changes.

**(G) Limitation on Resubmission**

Whenever an application for a PUD has been denied, the applicant shall be subject to the standards of Section [3.02\(I\): Reapplication after Denial of an Application](#).

**(H) Revocation**

- (1) In the event of a failure to comply with the approved plan or any prescribed condition or approval, including failure to comply with the stage development schedule, the Zoning Commission may, after notice and hearing, revoke the approval of the PUD Preliminary or Final Plan. The Zoning Commission shall at the same time recommend whether to maintain the PUD zoning district or initiate a zoning map amendment to another zoning district.
- (2) The revocation shall become final 30 days after the Township Trustees pass a resolution to rezone the property to a non-PUD zoning category or a decision by the Zoning Commission to revoke the approved plans but retain the PUD zoning.
- (3) Where the PUD zoning remains without an approved PUD Preliminary Plan or a Final Plan, the property owner or agent shall be required to submit a new PUD Preliminary Plan in accordance with the review procedures of this article.

**(I) Review Criteria**

**(1) General Review Criteria**

All PUD applications shall be reviewed based on the following general criteria and the applicable review body shall consider such criteria in the creation of their specific findings of fact when making recommendations and decisions regarding PUD applications, especially for the review of the PUD Preliminary Plan:

- (a) The proposed development is in conformity with the township's adopted goals, policies, and any applicable plans;
- (b) The proposed development meets the intent and spirit of this resolution and all other applicable township resolutions;
- (c) The development provides an environment of stable character that promotes a harmonious relationship between land uses within the site and a harmonious relationship with surrounding development, utilizing adequate buffers where necessary;
- (d) The proposed development provides a development pattern which preserves and utilizes the natural topography, geologic features, scenic vistas, natural vegetation and natural drainage patterns of the site;
- (e) The proposed development maximizes the opportunity for privacy within residential areas and minimizes nuisances between residential areas and other land uses;
- (f) The proposed development, while compatible with its surroundings, provides a more diverse environment for living, shopping and/or working than would be possible under strict application of the standard minimum design requirements of other districts provided within this resolution;
- (g) The proposed development promotes greater efficiency in the use of land and does not impose an undue burden on public services and facilities such as fire and police protection, schools, water supply and wastewater disposal due to excessive population densities;
- (h) The proposed development is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated;

- (i) The proposed development is accessible from public thoroughfares adequate to accommodate the traffic which shall be imposed on them by the proposed development, and the proposed streets and parking areas within the site are adequate to serve the proposed arrangement of land uses;
- (j) The proposed development minimizes pedestrian, bicycle, and vehicle conflicts;
- (k) The proposed development provides a higher quality and more useful design of landscaping and open space and amenities than would normally be required under the strict application of existing zoning requirements;
- (l) The proposed development contains such proposed covenants, easements, association by-laws and other such provisions as may reasonably be required for the public health, safety, and welfare;
- (m) The proposed development is designed in such a way that each individual section of the development as well as the total development, can exist as an independent section capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such an objective shall be attained;
- (n) The proposed development can be substantially completed within the time specified in the schedule of development submitted by the developer; and
- (o) The PUD plans have been transmitted to all other agencies and departments charged with responsibility of review and any identified issues have been reasonably addressed by the applicant.

**(2) Additional Review Criteria for the PUD Final Plan**

In addition to the general review criteria above, the following criteria shall serve as conditions that should generally be satisfied before the approval of the PUD Final Plan:

- (a) Where common open space is required, appropriate arrangements with the applicant have been made which will ensure the reservation of common open space as indicated on the PUD Preliminary Plan and Final Plan. If deemed necessary by The Township Trustees during the PUD Preliminary Plan review process, the Township Trustees may require the applicant to hold a bond to ensure the successful and proper reservation of open space. Furthermore, the PUD Final Plan shall demonstrate how the open spaces shall be duly transferred to a legally established homeowner's association or has been dedicated to the Township or another public or quasi-public agency;
- (b) Appropriate agreements with the applicant have been made to ensure the proper completion of public improvements in compliance with township and Mahoning County regulations;
- (c) The proposed PUD Final Plan for the individual section(s) of the overall PUD is consistent in contents (building location, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved PUD Preliminary Plan;
- (d) Each individual phase of the development can exist as an independent unit that can create an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained;
- (e) That any exception from the design standards provided in the Preliminary Plan is warranted by the design and amenities incorporated in the detailed Final Plan;
- (f) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development; and
- (g) The PUD Final Plan has been transmitted to all other agencies and departments charged with responsibility of review.

## **5.05 PERMITTED USES**

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**(A) Principal Uses**

- (1) Only those uses listed in [Table 4.07-1](#), whether permitted, permitted with standards, or conditionally permitted, may be considered in the application of a PUD.

- (2) In general, any standards that apply to a specific use in a zoning district shall also apply to those same uses in a PUD. However, the Zoning Commission and the Township Trustees may adjust or waive any of those use-specific standards.
- (3) As part of any approval, the Zoning Commission and the Township Trustees shall approve a list of acceptable uses permitted in the PUD. Such list of uses only include uses established in [Table 4.07-1: Permitted Use Table](#).
- (4) Planned Unit Developments that are surrounded by residential zoning districts shall be restricted to uses, and related accessory uses, that are permitted in the residential zoning districts.
- (5) Planned Unit Developments that share a boundary with a GB or RB District located along the Market Street (Route 7) and Boardman Poland Road (Route 224) corridors, or that will result in the rezoning of a GB or RB District, may include a mixture of uses with the following conditions.
  - (a) If this type of PUD results in the rezoning of an existing residential zoning district adjacent to the GB or RB District then the PUD shall be required to incorporate a mixture of uses, including residential uses.
  - (b) Such PUD shall include a minimum of 40 percent of the land area dedicated to residential uses and another 35 percent of the land area dedicated to commercial or office uses. Such percentages shall be of any land area not dedicated to parks, recreation, and open space uses, or other lands dedicated to public and institutional uses.
  - (c) The land area dedicated to residential uses may include a portion or all of the area dedicated to commercial or office uses if the minimum density of dwellings in the area is six units per acre and all of the uses are designed in a manner to create an interconnected, mixed-use neighborhood.
- (6) No land or structure shall be used or occupied to create any nuisance or hazard involving fire, explosion, noise, vermin, brilliant light, vibration, smoke, dust, fumes, odor, heat, cold, disease, dampness, electrical or electronic disturbance, radiation and/or toxic agents.
- (7) Any changes in uses within an approved PUD shall be required to be reviewed as part of a major PUD amendment.

**(B) Accessory Uses**

Unless modified by the Zoning Commission or Trustees during the PUD Preliminary Plan or PUD Final Plan approval, accessory uses in a PUD District shall be subject to the following standards:

- (1) Accessory uses and structures related to single-family residential uses in a PUD District shall be subject to the standards applied to accessory uses in the R-1A District.
- (2) Accessory uses and structures related to multi-family residential uses in a PUD District shall be subject to the standards applied to accessory uses in the R-3 District.
- (3) Accessory uses and structures related to nonresidential uses in a PUD District shall be subject to the standards applied to the GB District.

**5.06 DEVELOPMENT STANDARDS**

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

**(A) Minimum Site or Lot Requirements**

- (1) Yard, setback, lot size, type of dwelling unit, height, frontage and floor area requirements and related limitations, and use restrictions contained in other articles of this resolution, may be waived for a PUD, provided that the spirit and intent of this resolution and this section are met as determined by the Zoning Commission and The Township Trustees.
- (2) Every building in a PUD shall have access either to a public street, walkway or other area dedicated to common use.
- (3) In PUDs with residential dwelling units, the privacy of future residents shall be assured by yards, creative building arrangements, screening and other design elements. At a minimum, residential dwellings shall meet the following standards in a PUD:
  - (a) The minimum distance between structures shall not be less than 15 feet or one-half the height of the higher structure, whichever is greater.

- (b) The minimum setback permitted from public rights-of-way shall be 25 feet for streets identified on adopted policies or plan related to the township, or other related plans for transportation, and for streets designed to provide access to property adjoining the development.
- (c) Balconies, decks and patios shall be screened from each other when closer than 50 feet from each other.
- (4) For developments without any residential component, the minimum spacing between interior buildings shall be subject to approval by the township, but in no case shall be less than 20 feet or one-half the height of the taller building whichever is greater. All buildings along the perimeter of a PUD that is larger than five acres in size shall be set back a minimum of 50 feet along any existing residential district, park, or school property, and 25 feet along any other district or property. These perimeter setbacks shall be doubled if the proposed use is a use type that falls under the Industrial Use Classification in [Table 4.07-1](#). Perimeter setbacks may only be reduced using the waiver procedure found in [Section 5.04\(E\): Waiver of Standards](#).

**(B) Maximum Building Height Standards**

- (1) Residential buildings or mixed-use buildings that contain residential dwellings may exceed 35 feet only if the Zoning Commission determines the proposed building allows adequate fire emergency access and is of an appropriate scale to its surroundings.
- (2) All other buildings shall not exceed 80 feet in height; however, the Boardman Township Fire Department may further restrict the maximum height of nonresidential buildings for safety purposes, based on fire protection capabilities.

**(C) Land Use Density and Intensity**

- (1) Final land use density and intensity of uses shall be subject to approval of the Zoning Commission and The Township Trustees during the PUD Preliminary Plan review.
- (2) In general, the overall gross density of a residential component of a PUD shall comply with the township's adopted plans and policies. Residential densities shall not exceed 14 dwellings units per gross acre.
- (3) Increased net densities or lot coverage may be permitted by the Zoning Commission where it is satisfied that the applicant has provided a proportionate increase in the amount and amenity of common open space. Such density increases shall not exceed 15% of the maximum densities established in this section.
- (4) For nonresidential uses, the overall intensity of development shall be compatible with the recommendations of adopted plans and policies, and with the capacity of public streets, drainage facilities and utilities and not violate the following standards:
  - (a) The impervious surface of the site shall not exceed 80% of the total site excluding public rights of way.
  - (b) The aggregate floor area of all buildings shall not be greater than 60% of the total area of the site excluding public rights of way.
- (5) The preceding density guidelines may be varied at the discretion of the Zoning Commission and the Township Trustees if it can be demonstrated that a variance to a guideline is necessary to achieve an improved site design, that surrounding neighborhoods and public facilities will not be adversely affected, and that a common open space will be provided. However, the approved density in the PUD shall not exceed more than 15% the density which is permitted in this section.
- (6) Where there are mixed-use structures that contain both residential and commercial or commercial and industrial uses, the applicant shall provide information indicating the appropriate use groups for various areas within such structures and type of construction separating them. No highly combustible, toxic or otherwise hazardous materials shall be permitted within residential areas of the development. In addition:
  - (a) Adequate information shall be provided to the Fire Department and Building Inspector for each to determine that the mixed-use building(s) shall meet State and local building and fire codes.
  - (b) Adequate security shall be provided between uses in mixed-use structures. Interior common areas serving dwellings shall not be accessible to the public at large.



**(D) Design and Development Standards**

Unless otherwise stated below, or waived by the Zoning Commission or Township Trustees through Section 5.04(E): [Waiver of Standards](#), the proposed development shall be subject to the regulations and standards of this code including, but not limited to, outdoor lighting, off-street parking and mobility, signs, architectural standards, etc.

**(1) Landscaping and Buffering**

- (a) All PUDs shall comply with the applicable landscaping and buffering requirements of [Article 10: Landscaping Standards](#), which shall be established as the minimum landscaping and buffering requirements.
- (b) The percentage of retained and proposed landscaped areas to total area shall not be less than 20 percent of the entire lot.
- (c) In general, all unpaved areas of a lot shall be landscaped, or a bond or irrevocable letter of credit submitted to guarantee the installation of landscaping prior to occupancy of a principal building.
- (d) Every effort shall be made to preserve mature stands of trees and other natural features having intrinsic, aesthetic value.
- (e) Where this is not practical, attractive groupings of nursery materials shall be planned.
- (f) The amount of landscaping shall be comparable to the intensity of the development proposed. Care shall be taken to introduce trees and other landscaping into parking and other paved areas.
- (g) PUDs that contain nonresidential uses or residential uses of a higher density or intensity of adjacent residential uses shall be required to provide a permanent open space buffer consisting of mounding and vegetative plantings sufficient to protect the privacy and amenity of such adjoining areas. The buffer area shall be a minimum of 50 feet in width unless otherwise approved by the Zoning Commission through the waiver procedure of Section 5.04(E): [Waiver of Standards](#).
- (h) The buffer area shall be maintained by the land owner or owner association in such a manner as to insure its effectiveness.
- (i) Outdoor areas or containers holding or storing trash, garbage, recycled or reused materials shall be screened on three sides from adjoining properties, streets and other public areas. Such areas or containers shall be screened in accordance with this resolution and shall include a decorative gate for access.

**(2) Vehicular Access Points**

- (a) The number of ingress and egress points shall be limited to reduce the number of potential accident locations with streets.
- (b) Adequate and properly arranged facilities for internal pedestrian and traffic circulations shall be provided.
- (c) Topography, landscaping and existing vegetative clusters shall be utilized as necessary to make the project attractive and provide buffers between areas of substantially different character.
- (d) The street and thoroughfare network shall be designed to provide enhanced connectivity in between neighborhoods as well as providing connections between neighborhoods and business activity centers.
- (e) Truck loading areas shall be physically isolated from residences or enclosed.

**(3) Improvement Standards**

- (a) Unless alternative standards are approved as part of the PUD approval process, all PUDs shall comply with the applicable subdivision improvement and design standards including, but not limited to, sidewalks, street design, drainage, and utilities.
- (b) All streets proposed within a PUD shall be public streets unless approved by the Zoning Commission, Township Trustees, and Mahoning County Planning Commission. In considering the approval of any application that proposes the use of private streets, the Zoning Commission and The Township Trustees shall consider the following:

- (i) All private streets shall be designed in accordance with the standards of the Mahoning County Subdivision Regulations except that curbs and gutters may be waived and street width reduced if adequate provision has been made for storm drainage, guest parking and for access by emergency vehicles and trash collection trucks.
  - (ii) Private streets shall be oriented and designed to discourage through traffic movement.
  - (iii) Private streets should not be designed for extension into any adjacent development or provide access to future development which may occur on adjacent undeveloped land.
  - (iv) Private streets shall have no more than 30 residential lots per entrance to a public street.
  - (v) Any development proposed containing private streets shall also contain a description of the method by which such streets are to be maintained, such as the by-laws of a homeowners' association.
- (c) In addition to any sidewalk requirements required by the applicable subdivision standards, any PUD that contains residential uses shall provide for adequate pedestrian walkways connecting residences to existing and proposed recreational facilities, schools, neighborhood shopping, other residential areas, and adjoining sidewalks.
- (4) Common Open Spaces**
- (a) Common open space shall be required in all applications where there is a proposed PUD that contains any residential uses.
  - (b) The common open space requirements for a PUD shall be based on the proposed residential density and shall be in accordance with [Table 5.06-1](#).
  - (c) In the case of phased developments, open space shall be provided in proportion with each developed phase.

<b>TABLE 5.06-1: PUD COMMON OPEN SPACE REQUIREMENTS</b>	
<b>Proposed Residential Density (Gross Density)</b>	<b>Common Open Space Requirements</b>
Under 4 Dwelling Units Per Acre	5 Percent
4 to Less than 8 Dwelling Units Per Acre	10 Percent
8 or More Dwelling Units Per Acre	15 Percent

- (d) The percentage of open space shall be based on the gross site area of the proposed project, including all rights-of-way.
- (e) When open space is required, such space shall be areas that have been improved for active use by residents or members of the public that may include, but is not limited to, in-ground swimming pools, playgrounds, tennis courts, jogging trails, or similar outdoor recreational uses. Passive uses, such as trails, may be included in the open space calculation if an integral part of other open space improvements, as approved by the Zoning Commission and Township Trustees during the preliminary plan review.
- (f) Retention or naturalized stormwater management areas, as well as dry stormwater detention basins, which are designed to be an amenity, may be considered as open space if so determined by the Zoning Commission and Township Trustees during the preliminary plan review.
- (g) The following areas shall not be counted toward compliance with open space requirements:
  - (i) Private and public roads, and associated rights-of-way;
  - (ii) Public or private parking spaces, access ways, and driveways related to any residential use;
  - (iii) Required minimum spacing between buildings and required yard setbacks;
  - (iv) Vehicular use areas;

- (v) Land that is subject to pre-existing conservation easements or other similar protected open spaces;
  - (vi) Above-ground buildings, pipes, apparatus, and other equipment for community or individual use, septic or sewage disposal systems;
  - (vii) Substations, public utility easements;
  - (viii) Leftover land that has no value for development and is not a natural resource (e.g., river or stream corridor, large forest stand, wetland) that contributes to the quality of the overall project, as determined by the Zoning Commission or Zoning Inspector, as may be applicable based on the review procedure.
- (h) All common open space shall be designed in accordance with the following:
- (i) The location, shape, size and character of common open space shall be suitable for the proposed residential uses in relation to the location, number and types of dwelling units it is intended to serve. In any case, it shall be highly accessible to all residents or users of the PUD.
  - (ii) The common open space shall be used for amenity and/or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the PUD in relation to its size, density, expected population, topography and the type of dwellings.
  - (iii) The common open space shall be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space shall be appropriate to the uses which are authorized for the common open space and shall conserve and enhance the amenities of the common open space regarding its topography and unimproved condition.
  - (iv) 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.

**(5) Protection and Maintenance of Common Open Space**

Adequate provision shall be made for the long-term maintenance and/or operation of all common open space in accordance with this section.

**(a) 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.

**(b) 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 Boardman Township and duly recorded in the office of the Mahoning County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by a homeowners' association, Boardman Township (with its consent), a land trust or other conservation organization recognized by Boardman 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.

**(c) Conservation Easements**

With the permission of Boardman 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 Boardman Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Boardman 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.

**(d) 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:

- (i)** A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.
- (ii)** 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.
- (iii)** 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:
  - A.** 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.
  - B.** 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 5.06\(D\)\(5\)\(c\)](#).
  - C.** 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.