

**CHAPTER 412  
Planned Neighborhood Development Regulations**

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**Sec. 412.1 PURPOSE.**

The purpose of this Chapter is to establish provisions that enable coordinated Planned Neighborhood Developments in the R-1 Single-Family Low Density Residential District subject to the regulations and procedures set forth herein and in conformance with the provisions of ORC §519.021(C), which are in lieu of the standards set forth in Chapter 410, unless otherwise specified herein. Property owners in an R-1 District may choose to develop in conformance with these provisions when plans for such development are duly approved by the Township Trustees.

Development according to these regulations is intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in the provision of public services and utilities, provide an equitable mechanism for increasing public open space in the Township, encourage the construction of a variety of housing unit types and encourage innovation in the planning and building of developments by providing opportunities for creative design and planning of developments using more flexible zoning guidelines and site design criteria than permitted in traditional districts.

**Sec. 412.2 MINIMUM CRITERIA FOR ESTABLISHING PLANNED NEIGHBORHOOD DEVELOPMENTS.**

A Planned Neighborhood Development (PND) shall be established only when it complies with all of the following criteria:

- A. Each Planned Neighborhood Development shall be served by an approved public water supply system and an approved public sanitary sewer system.
- B. Each Planned Neighborhood Development shall have a minimum area of not less than 250 contiguous acres.
- C. Each Planned Neighborhood Development shall have access on a minimum of two (2) public streets, at least one (1) of which shall be a state highway.

- D. Each Planned Neighborhood Development shall abut existing commercially zoned land.
- E. Submission of a General Development Plan for the entire Planned Neighborhood Development project shall be required. Once a General Development Plan is approved, subsequent development of the property shall be done only in substantial compliance to the approved General Development Plan.

**Sec. 412.3 PERMITTED USES.**

Within a Planned Neighborhood Development, no building, structure or premises shall be used, arranged to be used, or designed to be used, in whole or in part, except for one or more of the uses specifically enumerated below and further provided that each such use is identified on and approved as part of the development plan.

A. Principal Uses:

- 1. Detached single-family dwelling. (Revised 9/27/18)
- 2. Detached cluster single-family dwelling.
- 3. Attached single-family dwellings, provided that not more than four (4) such dwelling units shall be attached in any single building.
- 4. Public or private parks and recreation facilities, including club houses, swimming pools, and tennis courts.

B. Accessory Uses:

- 1. Detached garages.
- 2. Common and/or guest parking areas.
- 3. Shed/Storage building subject to Sec. 410.8 or as established by the Township Trustees as part of the Final Development Plan approval. (Revised 07/11/24)
- 4. Wind Energy Conversion Systems as regulated by Section 410.8 L. (Effective 10/28/10)
- 5. Outdoor Wood-fired Hydronic Heaters as regulated by Section 410.8 M. (Effective 10/28/10)
- 6. Signs as regulated by Chapter 510.

C. Additional Uses in R-1 District. Any other use permitted in an R-1 District as set forth in Sec. 410.3 when authorized by the Township Trustees.

**Sec. 412.4 DENSITY AND UNIT TYPE REGULATIONS.**

The number and mixture of dwelling units included in a Planned Neighborhood Development shall comply with the following:

A. Maximum Density.

1. The maximum density of dwelling units shall be as set forth on the approved development plan, but shall in no case be greater than 0.8 dwelling units per gross acre of the Planned Neighborhood Development, except as otherwise permitted.
2. A density bonus of .02 dwelling units per gross acre of the Planned Neighborhood Development may be authorized by the Township Trustees when the applicant offers for public dedication a minimum of 15% of the total land area of the Planned Neighborhood Development.
  - (a) The Township Trustees shall evaluate the proposed Planned Neighborhood Development, the land area designated as restricted open space in compliance with Sec. 412.5, and that portion of the restricted open space that is offered for public dedication in light of the Township's recreational needs.
  - (b) The Township Trustees shall determine if the land offered is of sufficient size and shape, is properly located and has adequate access to provide for the Township's public open space and recreational needs.
  - (c) If the Township Trustees agree to accept the land, the land area shall be dedicated to the Township as public land as defined in Chapter 210 of the Montville Township Zoning Resolution.
  - (d) Such dedicated public lands shall be included in the total open space calculation for the purposes of complying with Subsection 412.5A.
  - (e) The area for public dedication shall be shown and marked on the General Plan and Final Plan as "Reserved for Public Use".

B. Mixture Dwelling Unit Types. Each Planned Neighborhood Development shall contain a mixture of dwelling unit types and styles in order to provide a variety of housing opportunities in conformance with the following:

1. The number of attached single-family dwellings shall not exceed 35% of the total number of dwelling units within the Planned Neighborhood Development.

2. A minimum of 15% of the total number of dwelling units within the Planned Neighborhood Development shall be designed for and allocated as senior housing.

**Sec. 412.5 OPEN SPACE REQUIREMENTS.**

A portion of the total project area shall be devoted to open space in compliance with the minimum requirement set forth in this Section.

- A. Area Requirement. Open space and recreation areas shall be as set forth on the final approved development plan, provided the land area designated for open space and recreational use shall not be less than 30% of the total land area of the Planned Neighborhood Development.
- B. Such land shall be designated as restricted open space and shall be located and designed to be integrally related to the overall design of the development and to be accessible and beneficial to the residents of the Planned Neighborhood Development, except for any portion of the restricted open space that is to be dedicated as public open space, and to conserve and protect significant natural features such as wetlands, woodlands, streams, lakes, historic features, and environmentally sensitive areas.
- C. Restrictions. Land areas devoted to streets, drives, parking areas, right-of-ways, required setbacks from streets and right-of-ways, required spacing between buildings, and areas within individual lots shall not be considered open space for the purpose of meeting the minimum area requirements set forth in Sec. 412.5 A above, except as otherwise permitted below:
  1. Open space within required buffers and or setbacks from the Planned Neighborhood Development project boundaries may be counted as restricted open space, as determined by the Township.
  2. Parking areas, drive aisles and other similar features may be counted as part of the restricted open space requirement or public land dedication when they serve a recreation use and/or public land area(s), as determined by the Township.

**Sec. 412.6 DEVELOPMENT AND SITE PLANNING STANDARDS.**

The following specific development standards shall be adhered to in the design and layout of a Planned Neighborhood Development.

- A. Lot Requirements.
  1. Dwelling units within a Planned Neighborhood Development may be on individual lots, de minimis lots, and/or part of a condominium arrangement in accordance with Chapter 5311 of the Ohio Revised Code.

2. Where lots are established within a Planned Neighborhood Development, the minimum sizes of said lots shall be as established on the development plan and as approved by the Township Trustees.
  3. The applicant shall depict on the development plan all individual lots, de minimis lots and the maximum parameters, or building envelopes, that indicate where buildings in condominium arrangements will be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this Section.
- B. Maximum Height. No building or structure shall exceed two (2) stories or 35 feet in height except as specifically authorized by the Township Trustees.
- C. Minimum Setbacks and Separations. Setbacks and separations for buildings, structures and parking areas shall be as established on the approved final development plan. In establishing said setbacks and separations for each particular Planned Neighborhood Development, the Township Trustees shall consider the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns. In no case shall the approved setbacks and/or separations be less than the following:
1. No building, structure, or parking area shall be located closer than 50 feet to any project boundary line of the Planned Neighborhood Development.
  2. No building or structure shall be located closer than 40 feet to any new public street right-of-way constructed as part of the Planned Neighborhood Development.
  3. No building or structure shall be located closer than 25 feet to the edge of pavement of any private street.
  4. The minimum distance between buildings when there are either no individual lots or de minimis lots shall be 15 feet side to side, 30 feet rear to rear and 30 feet side to rear.
  5. The minimum distance between the lot lines of de minimis lots shall be 15 feet side to side, 30 feet rear to rear and 30 feet side to rear. There shall be no building setback requirement on de minimis lots.
  6. On individual building lots, other than de minimis lots, created as part of a Planned Neighborhood Development, the minimum setbacks shall be as follows:

- a) The minimum setback from any side lot line shall be equal to not less than 10% of the lot width measured at the building line.
- b) The minimum setback from any rear lot line shall be 25 feet.

7. Riparian and wetland setbacks pursuant to Chapter 570. (Revised 12/24/09)

D. Required Landscaping and Buffers.

- 1. All disturbed areas within a Planned Neighborhood Development which are not covered by permitted structures or pavement shall be landscaped with grass, trees, shrubbery and other appropriate ground cover or landscaping materials. All landscaping shall be in conformance with the approved landscape plan for the development. Trees and shrubs shall be planted so as not to obstruct the views of drivers at driveway entrances and/or street intersections.
- 2. Screening and buffering shall be provided within the required setback from existing right-of-ways. Where existing vegetation is inadequate to provide an appropriate buffer, as determined by the Township Trustees, supplemental landscaping shall be provided to create an adequate screen. Said landscape improvements may include mounding and/or screen wall or fences if approved as part of the landscape plan.
- 3. Buffers may be required within setbacks from adjoining properties where the Township Trustees determine that such screening is necessary to mitigate anticipated visual or auditory impacts.

**Sec. 412.7 DWELLING UNIT REQUIREMENTS AND ADDITIONS. (Revised 07/11/24)**

A. Dwelling Unit Requirements.

Each dwelling unit within a Planned Neighborhood Development shall comply with the minimum floor area for dwelling units and siting requirements set forth in Sec. 410.7. (Revised 09/10/09)

B. Additions. (Effective 07/11/24)

- 1. A residential addition shall be attached, connected and/or joined to the first floor of a principal building by means of a shared wall not less than eight (8) feet in length and a permanent interior pedestrian access between living spaces. Additional garage space shall meet all applicable building code requirements. The sum of all additions to the principal building shall be limited to 40% of the dwelling unit floor area of the original structure. The exterior of the structure shall be architecturally designed around the

theme of the original principal structure in terms of, but not limited to, character, material, texture, color and scale.

2. A storage building/shed addition shall be attached, connected and/or joined to an existing storage building/shed by means of a shared continuous exterior wall from floor to roof over the entirety of the structure and a continuous roofline over the entirety of the structure. Additionally, the exterior of the structure shall be architecturally designed around the theme of the original storage building/shed in terms of character, material, texture, color and scale. The combined square footage of the existing storage building/shed and addition shall not exceed the maximum size requirements of Section 410.8 H.

**Sec. 412.8 PARKING.**

Off-street parking shall be provided in conformance with Chapter 520.  
(Revised 5/28/09)

**Sec. 412.9 STREET, DRIVE AND WALKWAY REQUIREMENTS.**

- A. All Planned Neighborhood Developments shall be designed to provide access for proposed uses internally within the development and to minimize access points and intersections onto existing public streets.
- B. Each building or use within a Planned Neighborhood Development shall have access to either a public or private street internal to the development in a manner approved by the Township Trustees and said access shall be clearly defined on the development plan. No building or use shall have driveway access directly to an existing public street.
- C. All public and private streets within a Planned Neighborhood Development shall be designed and constructed in accordance with the standards and specifications of the Engineering Code for Subdivision Development of Medina County.
- D. Planned Neighborhood Developments shall be designed to permit adequate access by emergency vehicles, promote the safety of motorists and pedestrians, minimize traffic conflicts and congestion, and promote the safe, efficient flow of vehicular traffic.
- E. Street identification signs and traffic control devices shall be provided and installed by the developer as directed by the Township in accordance with the standards of the Medina County Engineer and the Ohio Department of Transportation for such devices.
- F. Uniform mailboxes with a breakaway design shall be provided.

- G. Whenever a private street or a private walkway is included in a Planned Neighborhood Development, such private street and/or private walkways shall be clearly identified as such on the final development plan. When constructed, all private streets and private walkways shall be clearly marked with signage identifying them as private facilities. The maintenance and repair of said streets and walkways and all associated signs shall be the responsibility of the owners association. Deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or common drive.”

**Sec. 412.10 UTILITIES, DRAINAGE, FIRE PROTECTION.**

- A. All utilities shall be located underground, except that utility appurtenances may be constructed above ground as approved by the Township Trustees as part of the development plan approval.
- B. Planned Neighborhood Developments shall provide for storm water management and erosion and sedimentation control in accordance with the provisions of the Medina County Subdivision Regulations. Plans for stormwater management and erosion and sediment control shall be subject to the review and approval of the Medina County Engineer and the Soil and Water Conservation District in addition to the Township.
- C. All Planned Neighborhood Developments shall make provisions for fire protection, which shall include the installation of fire hydrants on all streets, whether public or private. The distance between hydrants, type of hydrant and control valves shall be as approved by the Medina City Fire Chief and the Medina County Sanitary Engineer. Water lines serving fire hydrants shall meet the minimum size requirements of the Medina County Sanitary Engineer and the Medina City Fire Chief.

**Sec. 412.11 OWNERS ASSOCIATIONS.**

As part of a Planned Neighborhood Development, a homeowners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required restricted open space, vegetative buffers, fences, ponds, parking areas and all private streets and private walkways, when provided.

- A. The Association shall have a perpetual maintenance plan for all common areas. The perpetual maintenance plan shall set forth responsibility for maintenance of all such common areas and shall describe the method of financing such



maintenance program. Such maintenance plan shall be a part of the association's bylaws or code of regulations.

- B. The Township shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following:
  - 1. Membership in the Association shall be mandatory for all purchasers of units in the development.
  - 2. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.
- C. Common areas shall be prohibited from further development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township.
- D. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of 60% of its members, (ii) having established a successor entity to take over said property pursuant to the Township's zoning resolution; and (iii) the approval of the Township Trustees.
- E. The Association bylaws or code of regulations shall identify Montville Township as a beneficial party thereto with rights, but no obligation to enforce the provisions contained therein related to common areas. The bylaws or code of regulations shall convey to the Township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.
- F. Such association shall submit to the Township Zoning Office annually a current list of association officers.
- G. The Association's bylaws or code of regulations shall become part of the development plan and development agreement and shall be placed on record with the Medina County Recorder as a covenant on the land within the Planned Neighborhood Development. A certified copy of all such by-laws or code of regulations filed with the Medina County Recorder's Office shall be submitted to the Township Zoning Office in compliance with Chapter 320, Section 320.7.
- H. Whenever a homeowners' association, community association, condominium association, declarant, or similar legal entity amends its bylaws or code of regulations, such amendment shall be submitted to the Montville Township

Zoning Office for review and approval by legal counsel of issues regulated by the Montville Township Zoning Resolution prior to the amendment being filed with the Medina County Recorder's Office. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. Once an amendment is approved by the Township's legal counsel and filed with the Medina County Recorder's Office, a certified copy shall be submitted to the Zoning Office in accordance with Chapter 320, General Provisions, Section 320.8. (Revised 01/12/17)

**Sec. 412.12 PROCEDURES FOR REVIEW OF PLANNED NEIGHBORHOOD DEVELOPMENTS**

- A. Application Requirements. Property owners who wish to develop their land as a Planned Neighborhood Development shall make application for approval pursuant to this Section. Applications for such proposed Planned Neighborhood Development shall be heard and action taken in accordance with these provisions.
  
- B. Pre-Application Meeting. Prior to the submission of an application and development plan for a Planned Neighborhood Development, applicants shall notify the Zoning Inspector of their intent to file and shall request to be scheduled on the next available meeting agenda of the Township Trustees. The Zoning Inspector shall notify the Zoning Commission of such application and the date of appearance before the Township Trustees. The applicant shall appear before the Township Trustees and shall present a sketch or concept plan (Effective June 22, 2006) of the proposed Planned Neighborhood Development. The purpose of this pre-application meeting is to discuss the criteria and standards contained herein, familiarize the applicant with the Township's Comprehensive Plan, development policies, recreation needs, and plan approval process, review the applicant's proposed general approach to development of the site, including the land area to be set aside as restricted open space and any proposed site(s) for public land dedication.
  
- C. Application and General Development Plan Submission. Subsequent to the pre-application meeting with the Township Trustees, each applicant for a Planned Neighborhood Development shall submit an application for General Development Plan review to the Zoning Inspector. An application shall be made at least 30 days in advance of the meeting at which said application is to be considered and shall include the number of copies required by the Zoning Office of the following minimum information:
  - 1. A General Development Plan conforming to the requirements of Subsection D below.
  - 2. Information regarding the nature, distribution, and volume of vehicular traffic projected to be generated by the proposed development and the capacity of the existing roadways to accommodate that traffic.

3. Verification of the availability of adequate treatment and transmission capacities to meet the projected needs.
  4. Information regarding the applicant's proposed standards for development and future use of the Planned Neighborhood Development including the intended method of providing for ownership, perpetual maintenance responsibility and financing for all common areas including but not limited to restricted open space, recreation facilities, common parking areas, and private streets.
  5. Fees and deposits in conformance with the provision of Subsection K.
- D. General Development Plan Requirements. Each General Development Plan shall include the entire Planned Neighborhood Development, be drawn to scale, and shall include, at a minimum, the following data:
1. The name of the development, the name of the owner or developer, north arrow, date and scale;
  2. The owners and zoning classification of adjoining parcels;
  3. A boundary survey;
  4. Existing topography and proposed finished grade with a maximum two-foot (2') contour interval;
  5. Proposed building locations;
  6. Location of all minimum building setbacks;
  7. Vehicular and pedestrian circulation plans;
  8. All off-street parking areas indicating the number of parking spaces provided and the number required;
  9. A storm drainage plan, including preliminary arrangements for storm detention facilities;
  10. All existing and proposed water facilities including the location and sizes of water mains, and the location of fire hydrants;
  11. All existing and proposed sanitary sewer facilities;
  12. Location and size of land to be counted as restricted open space and recreation areas, with any land to be dedicated as public land, and any proposed improvements to the recreation areas and or public lands.

13. General concept plans for landscaping and buffering;
  14. A site lighting plan indicating placement, heights, and types of lighting fixtures and details of resulting levels of illumination;
  15. The location, size and design of all signs to be placed in the Planned Neighborhood Development;
  16. The location, width, names, and grades of existing and proposed streets;
  17. Typical sections for all proposed streets;
  18. Proposed phases if the project is to be developed in stages;
  19. The location and sizes of all proposed lots; and
  20. A summary table showing the total acres of the proposed development, the number of acres devoted to restricted open space, streets, and contained within lots, and the number of dwelling units by type.
- E. Zoning Commission Review of General Development Plans. Upon receipt of a complete application for General Development Plan approval, the Zoning Inspector shall forward copies to the Zoning Commission:
1. Distribution of Plans. The Zoning Commission may distribute the application for review and comment to regulatory agencies that have statutory authority and to appropriate professional consultants retained by the Township. The applicant shall pay the cost of review by the consultant. All reports or comments prepared by such agencies or individuals shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission
  2. Zoning Commission Review. The Zoning Commission shall review the proposed plan and any submitted reports or comments at their next meeting occurring at least 30 days subsequent to filing of the complete application, at which time the applicant shall be provided an opportunity to present the proposed Planned Neighborhood Development. The Zoning Commission shall review each application and plan and shall determine if the plan complies with the applicable requirements of this Zoning Resolution and the review criteria set forth in Section G.
  3. Zoning Commission Recommendation to Trustees. The Zoning Commission shall make a recommendation to the Trustees that:
    - a) The General Development Plan be approved as submitted;
    - b) The General Development Plan be approved as modified by the Zoning Commission as the Commission may deem reasonable or necessary; or

- c) The General Development Plan be denied.

F. Trustee's Review of General Development Plan.

1. Review at Meeting. Upon receipt of the recommendation from the Zoning Commission, the Trustees shall schedule the application to be heard at their next general meeting, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
2. Action by Trustees. Within 20 days after the meeting required by Subsection F.1. above, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees authorize a density bonus according to Sec. 412.4A.2. the Trustees shall provisionally accept the land for public dedication subject to compliance with all conditions set forth in the general development plan approval.
3. Conditions for Approval. The Township Trustees in their approval of a General Development Plan may attach such conditions to the approval of a General Development Plan as may be reasonably required by the public health, safety and welfare, deemed appropriate to carry out the purposes and intent of this Zoning Resolution, and consistent with the implementation of comprehensive, strategic, or area plans adopted by the Township.

G. Review Criteria for General Development Plans. When reviewing an application for a Planned Neighborhood Development, the Township Zoning Commission and Township Trustees shall, but are not limited to, consider the following characteristics of the proposed development.

1. The comprehensive nature and design of the General Development Plan, including appropriate design of the physical, aesthetic, and economic relationships among its parts;
2. The anticipated effects of the proposed development upon the Township and upon adjoining and proximate neighbors and properties, including the impacts of traffic, storm water, noise, lighting, utilities, aesthetic values and other impacts;
3. The adequacy of existing and planned roads, drives, and parking areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the Township;
4. The suitability of the location, dimensions, access to streets and utilities of each proposed dwelling unit;
5. The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design;

6. The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site;
  7. The availability of, access to, and development of recreation and open space sites and facilities;
  8. The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering, particularly perimeter buffer;
  9. The suitability and acceptability of, and township's need for proposed public lands, and any proposed improvements to the public lands;
  10. The suitability of the proposed separations between buildings, including any proposed setbacks or yards;
  11. The suitability of the total acreage and total floor area proposed for each type of dwelling unit, and the number and bulk of buildings proposed; and
  12. The suitability of proposed association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the Planned Neighborhood Development and its improvements.
- H. Compliance Required. Subsequent to the approval of a General Development Plan for a Planned Neighborhood Development, all subdivision plats, site plans, building permits, zoning certificates, and other plans for improvements and any development or construction within the Planned Neighborhood Development shall be in substantial compliance with the approved General Development Plan and any conditions of such approval adopted by the Township in the approval of the General Development Plan. Any departure from the approved General Development Plan and any conditions or development agreements attached thereto, shall be deemed to be a violation of this Zoning Resolution. When the Zoning Inspector determines that a proposed plan, request for Zoning Certificate, development or construction is not in compliance with the General Development Plan, the Zoning Inspector shall take appropriate action as authorized by the Zoning Resolution to compel compliance.

I. Submission of Final Site Plans and Subdivisions Plats.

1. After a General Development Plan has been approved for the entire project, the applicant may develop the project in phases.
2. Any Planned Neighborhood Development that includes land to be dedicated for public open space shall include in the first phase for Final Site Plan review a subdivision plat for the land for public dedication. No zoning certificate shall be issued for any structure in a Planned Neighborhood Development until title of the land for public dedication has transferred to the Township.
3. Portions or phases of the Planned Neighborhood Development intended to include individual lots shall make application for approval in conformance with the Medina County Subdivision Regulations provided, however, that each such plan shall first be submitted to the Township to determine compliance with the General Development Plan approved for the Planned Neighborhood Development.
4. Final Site Plans for the phases of a Planned Neighborhood Development that include single-family detached cluster dwellings, single-family attached cluster dwellings, and/or non-residential uses shall be submitted and reviewed pursuant to the provisions of Chapter 720 of this Zoning Resolution.

J. Professional Assistance. Based on the extent and complexity of applications for Planned Neighborhood Developments, the Township Zoning Commission or Township Trustees may decide to obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, architects, and attorneys. When the Township determines such studies or expert advice are necessary to evaluate a proposed Planned Neighborhood Development, the Township shall advise the applicant of the need for such studies and provide an estimate of the anticipated costs. In the event the cost of such studies exceeds the amount of the initial estimate, the Township shall notify the applicant, and the applicant, upon such notification, shall immediately deposit with the Township sufficient funds to pay for such studies or review assistance.

K. Fees and Deposits.

1. All applications for General Development Plan review shall be accompanied by a non-refundable fee in an amount set forth in the fee schedule as established from time to time by the Township Trustees.
2. All applications for General Development Plan review shall also be accompanied by a cash deposit for professional consultant services in an amount determined by the Township Trustees. Any balance of unused funds

shall be refunded to the applicant within 60 days of the Township's final action on the General Development Plan application.

- L. Waivers. Waivers may be granted by the Township Trustees only when it determines that certain standards set forth in this Chapter do not or should not apply specifically to the circumstances of a particular Planned Neighborhood Development and when the alternative method proposed to achieve the objectives of the numerical standard is equal to or better than the strict application of the specified standard. The Township Trustees may modify such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Chapter. A waiver shall only be considered and approved by the Township Trustees during the review of development plans for the Planned Neighborhood Development.

**Note:** Section 412.6 E. Resource Protection Regulations  
Removed: Effective 12/24/09