

MILLCREEK TOWNSHIP ZONING COMMISSION

SPECIAL WORKSHOP MEETING MINUTES

DATE & TIME: Thursday, February 18, 2010 @ 6:00 p.m.

LOCATION: Millcreek Township Hall, 10420 Watkins Road, Marysville Ohio 43040

LEGAL NOTICE: The Millcreek Township Zoning Commission & Board of Township Trustees will conduct a special workshop meeting on Thursday February 18, 2010 at 6:00 pm. The purpose of the workshop is to continue discussion on recommended updates to the Planned Development District of the Zoning Resolution. The Zoning Commission will conduct the February regular meeting immediately following the workshop. The meeting is open to the public at the Millcreek Township hall, located at 10420 Watkins Road, Marysville, OH 43040.

CALL TO ORDER: Meeting called to order by Zoning Commission Chair Joni Orders at 6:10 p.m.

ROLL CALL: Zoning Administrator Joe Clase called the roll of members present.

Zoning Commission Present: Kenny Coakley, Alternate (*arrived @ 6:15 p.m.*)
Jim Lawrenz (*arrived @ 7:05 p.m.*)
Joni Orders, Chair
Freeman Troyer, Vice Chair
Bob Whitmore

Board of Trustees Present: Keith Conroy (*arrived @ 6:20pm*)
Bill Jordan
Bill Lynch

Members Absent: Greg Wisniewski

Others Present: Joe Clase, *Zoning Administrator*
Jill Tangeman, *Attorney at Law, Vorys Legal Counsel*

WORKSHOP: Jill Tangeman briefly reviewed the final changes and outstanding questions for the Planned Residential District (PRD) draft text. This was previously discussed during a prior workshop.

In response to an e-mail question she received, Jill Tangeman clarified that the Board of Trustees, after recommendation by the Zoning Commission, can permit conditional uses in the Planned Residential District (PRD) as divergences during a rezoning or development plan approval process. Jill Tangeman stated that this would be her recommendation versus having to send applications to Board of Zoning Appeals (BZA) for a Conditional Use Permit (CUP) if it is the developer's intention to seek such uses from the initial phases of development. If such a request results after PRD approval, the BZA's CUP process would be recommended.

Jill Tangeman clarified that the drafted amendments stipulated storage of disabled vehicles for more than seven (7) days is prohibited. Freeman Troyer stated that he felt seven (7) days may be too restrictive. Jill Tangeman stated that it might be tolerable today with the larger parcels to see such vehicles stored for longer periods, but as development occurs in the PRD it may become an issue. She

noted that the Zoning Administrator has discretion in enforcement if needed. Bob Whitmore said he feels seven days is ample with this discretion. The other members agreed it would be better to be more restrictive and make provisions if warranted than to be too permissive from the outset.

Jill Tangeman stated that she will deliver Joni Orders a finalized copy of the PRD section incorporating these comments. She stated that unless there are further questions or issues this section is complete. There were no objections from those present.

Jill Tangeman presented a revised draft of the proposed landscaping standards of the Millcreek Township Zoning Resolution. This work was a result of the December 12, 2009 workshop.

Jill Tangeman clarified the opacity definition means theoretically that 75% opacity would keep out 75% of the light. Joe Clase asked for clarification about how such a standard would be enforced. Jill Tangeman stated that it is subjective and not an exact science so enforcement would be a challenge if it wasn't a large percentage violation.

Jill Tangeman highlighted other housekeeping amendments. Joe Clase asked to clarify that only vegetation within the right-of-way could be removed by the Township. Jill Tangeman stated that was correct and that if vegetation on private property obstructed the clear site triangle, the Township would need to rely on enforcement to get the site triangle cleared.

Jill Tangeman asked for direction from the Township for a preference of ^{whether} landscaped parking islands be a larger area with a number of trees or many more smaller islands with less trees. She stated that the developers interest would likely be to see larger, but less islands to increase the chance of plant survival. Keith Conroy noted that having the islands adds cost but it looks nice. He noted the Township would like to have a good balance. He noted pervious pavement may alleviate some need. Joni Orders asked for clarification that one (1) tree would be required for each six (6) parking spaces. Jill Tangeman confirmed that was correct. Joni Orders noted many spaces are lost when snow is piled up during snow removal. She wants parking lots to be desirable to potential shoppers and not have the design make parking a problem. Keith Conroy asked that the regulations be amended to specify the intent of eliminating heat islands, excessive parking, and promote shared parking. Freeman Troyer noted that he felt a minimum 64 square foot parking island is too small. Kenny Coakley noted this is just a minimum standard. He noted that a stipulation that the mature drip line of the trees cannot be paved may make the minimum much larger. Bill Lynch noted we would discourage trees by having such a small minimum size for tree islands. Keith Conroy noted that we want trees, not just shrubs. Jill Tangeman suggested New Albany's text noted trees to be more desirable. A change to a ten (10) foot minimum tree spacing was requested during the last workshop, but after discussion the math does not work for distance for drip edge and the minimum square footage of the island. Bill Lynch wanted maintenance notes added about who replaces them if they don't survive. Discussion resulted in recommendation for a one hundred (100) square foot minimum with a minimum spacing of five (5) feet. Bill Lynch noted that a tree specialist can look for trees that can best survive this type of environment where they are surrounded by pavement. Jill Tangeman stated she felt stricter standards made it easier for the Township to negotiate what they want when developers apply.

Jill Tangeman stated that she removed uniform tree standards on page 9. It was discussed that the same type of tree is not desirable and should be prohibited. Bill Lynch stated we prefer a mix of trees. Keith Conroy agreed stating that diversity is good especially when certain species become threatened by

insects or disease. Jill Tangeman stated that she will add this clarification along with a list goals. Bill Lynch asked if we would require a developer to replace a damaged tree. Jill Tangeman stated that under the enforcement section cutting into drip line counts as damaging tree. The owner must replace trees based on the original trunk diameter of the tree. The owner would be responsible to replace the tree with a number of trees that when their individual trunk widths are added equal at a minimum the same number of inches with a minimum individual trunk width of two (2) inches. Joni Orders asked that a definition be added for "drip line" and one for "tree lawn." Bill Lynch also asked for clarification about who is responsible for maintenance of trees in right-of-ways and other public areas. Jill Tangeman stated that she would add these definitions and draft new text to cover.

Jill Tangeman stated that standards on page 10 have been amended closer to the Hilliard code sections that were discussed in the last workshop. She stated that because the Township lacks enforcement of occupancy, she would recommend the Township hold a bond at the time of permit through completion of the landscaping improvements. Joe Clase inquired why we would not just require a Certificate of Zoning Compliance. Bill Lynch stated he felt the bond is safer route. Keith Conroy stated that it should be with a banking institution licensed in the State of Ohio.

Jill stated that she would amend the landscaping standards and brief everyone of the changes at the next workshop.

Jill Tangeman handed out copies of the Planned Commercial District (PCD) standards from Berkshire Township, Delaware County, Ohio for discussion. Joe Clase inquired if the intent was to utilize North American Industrial Classification System (NAICS) numerical references in the Zoning Resolution. The group was okay with stating uses like the other districts already do in existing code. Jill Tangeman stated that she would like to clarify you cannot have rentals on the first floor. Jim Lawrenz asked about 25% rental standard. Jill Tangeman stated this reference would be removed as the article is amended to meet the expectation of the Comprehensive Plan. Jill Tangeman does not want to restrict rental because of the perception of issues with the national Fair Housing Act. Jim Lawrenz asked if it was assumed by design that most second floor units above retail would be rentals. Jill Tangeman stated that maybe but that the code should focus on function. Jim Lawrenz clarified he felt the Board would be more interested in number and location than rental versus owner occupied. Keith Conroy stated the intent of the district is to maximize commercial tax base and to ensure business success by having other businesses and residences around it. Jill Tangeman stated there is still a need to talk about big box limitations. Keith Conroy stated that during comprehensive planning discussions residents only wanted commercial development to be of a neighborhood-scale. Many felt that commercial big box was already available locally and more was not desired. They didn't envision the entire development being businesses on first floor and residences upstairs. Bill Lynch stated the development needs workers who can patronize other establishments and not just relying on residents as customers. Joni Orders asked for clarification of the NAICS code for amphitheater as prohibited. Keith Conroy noted that the Comprehensive Plan recommended an amphitheater in the green space. Freeman Troyer stated a small one would be nice. Keith Conroy asked Jill Tangeman to ensure a small one or some other public open space that could occasionally be used for public events could be built for public use but a large scale private / commercial use such as Polaris be prohibited.

Jill Tangeman reviewed the design features of the PCD, but specified that she would amend them to be similar to the PRD. Jill Tangeman stated she will talk with Frank Elmer about his thoughts on density and open space from the comprehensive planning process. Keith Conroy stated that the formula may change

from other districts, but he recommended using the format from the other districts. Bill Lynch requested the PCD cross-reference setbacks in other districts. Freeman Troyer asked if street trees are within 5-foot green strip. Jill Tangeman stated the street tree requirements will reference landscape section. Keith Conroy requested the same for exterior lighting. Jill Tangeman stated she will talk with Frank Elmer about his thoughts on building design standards. Joni Orders asked if the intent of the new draft was to have application process for review would be standardized for all planned districts as it is currently laid out in the Zoning Resolution. Jill Tangeman recommended spelling out the process in each individual district to minimize the potential for litigation from someone that does not comply with the process.

Jill Tangeman discussed the requirements for development plans. Jill Tangeman will make sure they match up with PRD. Keith Conroy stated that Frank Elmer recommended a maximum square footage for the PCD of 64,000. Jill Tangeman stated she will talk with Frank Elmer. Keith Conroy emphasized big box was not desired by residents during the comprehensive planning process. Keith Conroy stated a neighborhood grocery would be around 50,000 square feet. Jill Tangeman said she will also talk with Frank Elmer about building design. Jim Lawrenz asked why we would limit the building size for research facilities. Jill Tangeman stated that this was not the intent and that she will have to be creative in drafting square footage standards. Joe Clase asked that the square footage requirements also prohibit a big box by occupying multiple of the smaller buildings adjacent to each other.

Jill Tangeman stated that she plans to clean up the landscaping standards and go over changes at the next workshop. She also plans to draft the PCD and incorporate comments from this workshop.

NEXT MEETING: Joni Orders stated that the next workshop would be scheduled for 6:00 p.m. on March 18, 2010.

ADJOURNMENT: Freeman Troyer made a motion to adjourn the special workshop meeting. Jim Lawrenz seconded the motion. All voted in favor of the motion and the motion carried. Joni Orders announced the meeting to be adjourned at 7:45pm. The Trustee meeting was concurrently adjourned.

PREPARED BY:



Joe Clase, Zoning Administrator

ATTEST:



Freeman Troyer, Zoning Commission Chair

DATE APPROVED:

3-18-10

Article XIII

Landscaping

13.1 PURPOSE: The goal of this Article is to preserve and promote landscaping as a suitable and necessary aspect of land development, as a component of the development of Township character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promote the public health, safety and general welfare. It is further the purpose of this Article to promote the preservation and replacement of major trees removed in the course of land development, to promote the property utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Township.

13.2 APPLICATION: No zoning permit(s) shall be issued hereafter for any site development plan within any planned district or the construction or improvement of any building, structure or vehicular use within any planned district except where landscaping for such development, construction has been approved as required by the provisions of this article.

13.3 MINIMUM LANDSCAPING REQUIREMENTS: This section describes the minimum requirements that shall be met in regards to perimeter landscaping for non-compatible land use areas landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of land.

A. Perimeter Landscaping Requirements: Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy five percent (75%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four years after installation. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use area. For purposes of this Article XIII, "opacity" shall mean the required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to a required height.

1.) Property Perimeter Requirements:

A. When the Following:	B. Adjoining the Following (or Vice Versa):	C. The minimum landscaping within a buffer zone of this average width (with 3 ft. as	D. Which will contain <u>at least</u> this material to achieve—the required opacity ^{1, 2} .
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¹ Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape materia.

² "OFT" means "or fraction thereof". Trees do not have to be equally spaced, but may be grouped.

		the least dimension:	
1. Any Residential Zone	Any Office Use	20 ft. adjacent to all common boundaries except street frontage	1 tree/40 ft. of lineal boundary, OFT, plus a continuous 6 ft. high planting, hedge, fence, wall or earth mound.
2. Any Residential Zone	Any Commercial Use	30 ft. located as above (1-C)	Same as 1-D above.
3. Any Residential Zone	Any Industrial Use	40 ft. located as above (1-C)	Same as 1-D above.
4. Any Office or Commercial Use	Any Industrial Use	20 ft. located as above (1-C)	Same as 1-D above.
5. Any Zone except Agricultural Zones	A Freeway or Arterial Street	40 ft. for residential zones and 20 ft. for all other zones adjacent to freeway or arterial street	1 tree / 30 ft., OFT plus continuous 6 ft. high planting, hedge, wall, fence or earth mound.
6. Any Zone except Agricultural or Industrial Zones	Railroad	Same as 56-C above	Same as 56-D above
7. Any property boundard, including road or street rights of way	Utility Sub-Station; Junk Yards, Landfills, Sewage Plants or Similar Uses	40 ft. adjacent to all boundaries except only 5 ft. for utility substentions measured adjacent to the enclosure	Same as 56-D

2.) Vehicular Use Area Perimeter Requirements:

A. When the Following:	B. Adjoins the Following (or Vice Versa):	C. The minimum landscape easement of this width is required:	D. Which will contain this material to achieve opacity required ^{3, 4, 5} .
1. Any property in any zone except	Any vehicular use areas on any adjacent property	6 ft. minimum to all trees from edge of paving where vehicles overhand and 3 ft. strip that prohibits any vehicular overhand for other areas, adjacent to planting, point of vehicular use area that faces building adjacent to property	1 tree / 40 ft., OFT, boundary of vehicular area plus a 3 ft. average height continuous hedge or earth mound.
2. Any public or private street right-of-way or service road, except freeways	Any vehicular use area	Same as 1-C above, except applies to portion of vehicular use area facing public or private street or road	1 tree / 40 ft. OFT, plus a 3 ft. average height continuous planting, hedge, or earth mound.

3.) Landscape Buffer Zone: The landscape buffer zone and material required adjacent to any street under this Article shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right of way. When adjacent to other common boundaries, the landscape buffer zone and materials:

³ A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parkings, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or roads or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

⁴ Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.

⁵ "OFT" means "or fraction thereof."

a) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or

b) Generally be placed on the activity listed under Property Perimeter Requirement Chart, Column B and Vehicular Use Area Perimeter Chart, Column B when adjoining parcels have different owners; or

c) May be placed astride the boundary of adjoining parcels having different owners if a written agreement signed by both owners, is filed with the Township Zoning Office, as a public record; or

d) Shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of Property Perimeter Requirement Chart and; or

e) Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property, ~~in fulfillment of the requirements of this Article.~~

4.) Requirements Conflicts: Whenever a parcel or activity falls under two or more of the categories listed in the tables the most stringent requirements shall be enforced.

5.) Landscape, Buffer Zone Conflicts: The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.

6.) Existing Landscape Material: Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this Article.

7.) Landscaping at Driveway and Street Intersections: To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, no landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections. The township zoning inspector shall notify the property owner and/or neighborhood association of the need to trim or remove trees to maintain the required site triangle. Should the property owner and/or neighborhood association fail to maintain the site triangle, the township may trim or remove trees as appropriate and seek reimbursement from the property owner and/or neighborhood association.

a) Driveway Intersections Triangle: At intersection of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the

driveway edge, and by measuring from this point and a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.

b) Street Intersection Sight Triangles: At the street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines or edge of pavement and connecting these points.

8.) Interior Landscaping for Vehicular Use Areas: Any open vehicular use area, excluding loading, and unloading and storage areas in an industrial zone or business zone, containing more than six-thousand (6,000) square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.

a.) Landscape Area: For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of ten square feet of landscaped area shall be provided.

1) Minimum Area: The minimum landscape area permitted shall be 64 square feet with a ~~ten~~^{four}-foot minimum distance ~~dimension~~ to all trees from edge of pavement where vehicles overhang.

2) Contiguous Area: In order to encourage the required landscaped areas to be properly dispersed, no individual areas shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

b.) Minimum Trees: The following minimums are required, based upon total ground coverage of structures and vehicular uses areas:

1) One (1) tree of no less than two (2) inches for every six (6) parking spaces shall be provided.

2) All trees shall be bailed and burlapped or containerized / potted when planted. The top eighteen (18) inches of the burlap bag and cage shall be removed when planting. Planting beds for parking lot trees shall be constructed so as to minimize damage to trunks and roots of the trees from vehicles, pedestrians and parking lot maintenance through the use of adequate soil planting area and curbing or parking blocks. Planting soil area per tree shall be a minimum of sixteen (16) square feet. The minimum dimension for the planting areas shall be four (4) feet on one side. All trees shall be maintained in a healthy condition.

c.) Vehicular Overhang: Parked vehicles may hang over the interior landscaping area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscape area.

9.) Landscaping for Service Structures: Any service structure, accessory use, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone) freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.

a.) Location of Screening: A solid wall or fence shall enclose any service structure on all sides, unless such structure must be frequently moved, in which case a gate shall be permitted on one side. The fence or the wall shall be the same or similar materials as the same building. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. In addition to the wall or fence, such service structure shall be surrounded by some landscaping material.

b.) Curbs to Protect Screening Material: Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.

10.) Interior Landscaping For All New Developments: All new developments regardless of type and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

a.) Preservation of Existing Landscape Materials: All trees having a trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved unless Such trees are exempted as follows:

- 1) Trees within public rights of way or utility easements, or a temporary construction easement approved by the County Engineer.
- 2) Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structure.
- 3) Trees within the driveway access to parking or service areas or proposed areas to service a single family-home.
- 4) Trees that in the judgment of the Township Authority are damaged, diseased, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

It is encouraged that exempted trees subject to destruction be preserved by relocating and replanting of such trees.

~~Preservation of wooded areas:~~ It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.

~~No new tree plantings shall be required if existing trees are healthy and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Section and providing that such trees are evenly distributed throughout the development area and not confined either to isolated dense clusters or to the perimeter of the developed area as determined by the Township.~~

b.) Tree Planting Requirements:

For all new development the following landscape requirements shall apply:

Use:	Requirements:
PRD	There shall be tree plantings equal to one inch in tree trunk size for every 100 square feet in ground coverage by a structure. Such plantings shall be required within the property lot lines of each structure.
PCD	In addition to the requirements of 13.03(A)(2) regarding vehicular use areas, the following shall apply: There shall be landscaped areas equal to 20 feet for every 1,000 square feet of building ground coverage area, or fraction thereof. Such landscaping areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other material designed and located in a manner complimentary to the overall architecture to the surrounding buildings.
PID	In addition to the requiesment of 13.03(A)(2) regarding vehicular use areas, the following shall apply: There shall be tree plantings equal to one inche in tree size for every 2,00 square feet of building ground coverage, or fraction thereof.

c.) Parking Lots: see Section 23.03(B) hereof.

d.) No new tree planting shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Article and providing that such trees are evenly distributed throughout the developed area and not confined either to out-of-the-way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than two inches in trunk diameter.

e.) For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this Article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such trees landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit.

13.4 STREET TREE PLANTING REQUIREMENTS: The following are street tree planting requirements for all planned zoning districts:

A.) Requirements: It shall be required that all sub-divider or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the Zoning Commission and as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development.

1) The tree to be planted is not an undesirable tree species, as listed on the Township's Public Tree Program.

2) The minimum spacing between this and other trees is forty-five feet for large tree, thirty-five (35) feet for medium tree and twenty-five (25) feet for a small trees. See definitions below.

3) The tree location is to be at least twenty (20) feet from street intersections and ten (10) feet from fire hydrants or utility poles.

4) A small tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten (10) or twenty (20) lateral feet to overhead utility wires.

5) The developer shall be required to maintain the trees for three years after the trees are planted and to replace any tree which dies within such one year guarantee period. Upon completion of a tree planting, the landscape contractor shall contact the Township Zoning Department for a preliminary inspection. The guarantee period shall begin after approval of the Zoning Department. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Township Inspector, shall be promptly replaced at the expense of the developer.

6) The trees ~~will be should be of one and the same genus and species planted continuously down each street as per this Article~~as approved by the Zoning Commission according to the approved tree list.

7) The minimum trunk caliper measured at six (6) inches above the ground for all street trees shall be no less than two inches.

8) The maximum spacing for large trees shall be fifty (50) feet, for medium trees, forty (40) feet and thirty (30) feet for small trees.

B.) Tree Topping: No person shall, as a normal practice, top any tree within the public right of way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this Subsection.

C.) Height of Limbs Over Sidewalks and Streets: Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with normal traffic flow.

D.) Reducing Tree-Lawn: No person shall by any type of construction reduce the size of the tree-lawn without first obtaining permission from the Zoning Commission.

E.) Violations: A person who removes, damages or causes to be removed a public tree (including by interference with the tree's drip line) from the tree-lawn or other public place shall be required to replace the tree at his expense, with a tree or tree(s) having the same number of inches of tree trunk size equally the tree that was removed or damaged. No tree installed as a replacement tree shall have less than ~~having~~ a minimum diameter of two (2) inches.

F.) Definitions:

1) Large Tree: means any tree species which normally attains a full grown height in excess of fifty (50) feet.

2) Medium Tree: means any tree species which normally attains a full growth height of between twenty-five (25) and fifty (50) feet.

3) Small Tree: means tree species which normally attains a full-growth height of under twenty-five (25) feet.

13.5 LANDSCAPE MATERIALS

A.) Plants: All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State

regulations. Artificial plants are prohibited in all landscaped areas in the Township required as per this chapter.

B.) Deciduous Trees: Deciduous trees shall be species have an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Deciduous trees shall be a minimum of five (5) feet in height and two inches in trunk diameter at planting.

C.) Evergreen Trees: Evergreen trees shall be a minimum of five (5) feet in height.

D. Earth Mounds: Earth mounds shall be physical barriers, which when planted block or screen the view just as a hedge or low wall would. Mounds shall be constructed of clean fill, topsoil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage.

Earth mounds shall not exceed four (4) feet in height and shall be planted completely by plant material which may include mulching limited to the immediate base of plantings, of which no greater than fifty percent shall be turf. Earthen mounds shall have a maximum slope of three to one or three feet horizontal space is required for each one-foot vertical change in elevation. The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mounds.

13.6 PLAN SUBMISSION AND APPROVAL: Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan. Where such plans are part of an application for rezoning, variance, conditional use or other matters which must be approved by the Township Zoning Commission or Township Board of Zoning Appeals, such plans shall be submitted as part of the required application and other required plans. All other landscape plans shall be approved by the Township Zoning Department.

A.) Plan Content: The contents of the plan shall include the following:

1) Plot plan, drawn to an easily readable scale no smaller than one inch equal twenty feet; showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, etc., location of structures on adjoining parcels, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and qualities for all plants used and all existing trees:

2) Typical elevations and/or cross sections as may be required.

3) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orient plan so that north is to top of plan and zoning district.

B.) Zoning Permit and Certificate of Occupancy: Where landscaping is required, no zoning permit shall be issued until the required landscaping plan has been submitted and approved and ~~no certificate of occupancy shall be issued until landscaping is completed as certified by an on-site inspection by the Zoning Department, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted. If the required landscaping has not been completed and a temporary certificate of occupancy is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.~~

C.) Posting of Bond or Irrevocable Letter of Credit: After a or irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one month extension of the planting period may be granted by the Zoning Department upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant material. No more than three such one month extensions may be granted. Proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

ARTICLE XV PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)

Section 15.01 PURPOSE: See Section 5.057

Section 15.02 PERMITTED USES: Within the Planned Commercial and Office District (PCD) the following uses, according to their North American Industrial Classification System (NAICS) code number, when developed in strict compliance with the approved development plan and standards, may be permitted.

The full text of the listings in the NAICS 1997 or subsequent edition shall be used to define the uses permitted within the PCD as set forth below and is hereby adopted as part of Article XV.

The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

Note: The NAICS code numbers are inclusive in ascending order. All two digit sector numbers listed in the left hand column below include as permitted uses all 3-6 digit numbers beginning with those two digits. All three digit codes include all 4-6-digit codes beginning with those three digits, and so on. If a specific six-digit code is used, it refers to only one permitted use. For example, Code 52 means that any use listed in the 1997 or subsequent NAICS code under Sector 52 (such as 52212 Savings Institutions) is permitted.

1997 U.S.

NAICS CODE #	Administrative, Professional, Institutional, and Business Offices
1114	Greenhouse, Nursery and Floriculture Production
311811	Retail Bakeries
441	Motor Vehicle and Parts Dealers
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supplies Dealers
445	Food and Beverage Stores
446	Health and Personal Care Stores
447	Gasoline Stations
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book, and Music Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers, (except Adults Only Entertainment establishments, and 45393 Manufactured Home Dealers)
491	Postal Service
51113	Book Publishers
512131	Motion Picture Theaters (except Adults Only Entertainment establishments)
51224	Sound Recording Studios
513112	Radio Stations
51312	Television Broadcasting
Telecommunications	
514	Information and Data Processing Services

Finance and Insurance

5312	Offices of Real Estate Agents and Brokers
53211	Passenger Car Rental and Leasing
5322	Consumer Goods Rental
53242	Office Machinery and Equipment Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
561	Administrative and Support Services
61	Educational Services
621	Ambulatory Health Care Services
6221	General Medical and Surgical Hospitals
623	Nursing and Residential Care Facilities
71111	Theater Companies and Dinner Theaters
71112	Dance Companies
71211	Museums
71394	Fitness and Recreational Centers
71395	Bowling Centers
72111	Hotels (except casino) and Motels
722	Food Services and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar adult entertainment or services).
811	Repair and Maintenance
812	Personal and Laundry Services
813	Religious, Grantmaking, Civil, Professional and Similar Organizations
92	Public Administration

No NAICS number Multifamily dwellings. Rental apartments shall not exceed 25% of the total number of multi family residential units within the PCD development plan. Maximum density is four units per net developable acre. Such residences shall be specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum living area, to-wit:

One (1) bedroom unit-	800 square feet
Two (2) bedroom unit-	900 square feet
Three or more bedroom units-	1000 square feet

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning Commission.

Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the

permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than one time. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.

Section 15.03 PROHIBITED USES:

- a.) Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.
- b.) Outdoor storage of inoperable, unlicensed or unused motor vehicles, including trailers detached from semi-tractors, for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- c.) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.
- d.) Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.
- e.) NAICS code # 711310, Promoters of Performing Arts, Sports, and Similar Events with outdoor open air Facilities

Section 15.04 INITIAL DISCUSSIONS: The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map to PCD.

No statement by officials of the Township or the DCRPC shall be binding upon either at the concept stage.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PCD district shall follow the procedures herein.

Section 15.05 **REQUIRED PCD DESIGN FEATURES**

A. The development plan shall incorporate the following standards:

- 1.) Access- Requires frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or the Regional Planning Commission.
- 2.) Minimum tract size- 10 acres, or as approved per plan.
- 3.) Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.
- 4.) Permitted density- Maximum of four units per net developable acre for multi-family dwellings.
- 5.) Minimum commercial floor space requirements: as approved per development plan.
- 6.) Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding.
- 7.) Minimum Lot Width at the building line as approved per plan.
- 8.) Minimum Side yards- for non-residential structures shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- 9.) Minimum Rear yard- for non residential structures shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- 10.) Perimeter Area- No building or parking shall be constructed within 100 feet of the perimeter property line of the overall tract, or as approved per plan.
- 11.) Walkways and street trees- The Township may require walkways to connect all dwelling areas with open space and to interconnect the open spaces. Sidewalks shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip. Street trees shall conform to Township standards. Trees may be placed in the 5 foot green strip if permitted by the county

engineer and/or Township, otherwise they shall be placed in the front lawn of the residences.

- 12.) Buffering- Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the Township may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses.
- 13.) Preservation areas- Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.
- 14.) Floodplain- No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.
- 15.) Utilities- Centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.
- 16.) Building design- The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. All residential roofs must be a minimum of 6/12 pitch, or as approved by plan.
- 17.) Building Height Limits- as approved per plan.
- 18.) Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the final development plan.
- 19.) Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the parking provisions of this Resolution shall be incorporated, or a divergence requested.
- 20.) Signs- Signs shall conform to provisions of this resolution, or request a divergence and be as approved per plan.
- 21.) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan.

- 22.) Supplemental Conditions and safeguards- The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

Section 15.06 **REQUIRED FINDINGS FOR PCD APPROVAL:** The Zoning Commission and Trustees may approve an application requesting that property be included in the PCD zoning district, provided they find that the proposed use complies with all of the following requirements:

- 1.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- 2.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- 3.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- 4.) That the proposed plan meets all of the design features required in this Resolution.
- 5.) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- 6.) That the proposed development will be compatible in appearance with surrounding land uses.
- 7.) That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

Section 15.07 **PROCESS FOR AMENDMENT:** Applications for amendment to rezone property to the PCD Zoning District may be approved according to one of the following procedures:

- a.) The applicant, being the owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PCD. (This is a legislative act and is subject to referendum). A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.) This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres.
- b.) The applicant, being an owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).

In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PCD district shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

Following the filing of an application for a PCD, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. If a majority of the Zoning Commission is present, the meeting must be advertised in accordance with Ohio law, and minutes kept.

Section 15.08 EFFECT OF PROPERTY OWNER INITIATED PCD ZONING

AMENDMENT: Upon approval of an application for a zoning amendment to rezone property to the PCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PCD designation, as approved, shall prevail.

Section 15.09 DEVELOPMENT PLANS

- A. Preliminary Development Application – Upon application for a PCD District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Seven (7) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PCD application. The plan shall include in text and map form, the following:

- 1.) The proposed size and location of the PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.
- 2.) Suggested architectural designs for all structures and signs.
- 3.) The intended general provisions for water, fire hydrants, sanitary sewer and surface drainage. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
- 4.) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
- 5.) A design of the open space and proposed description of its use and maintenance.
- 6.) Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.
- 7.) Proposed location of all structures and uses.
- 8.) Preliminary Traffic Impact Analysis based upon new trip generation.
- 9.) All required design features.

- 10.) Emergency service provisions (letter from Fire and Police departments).
 - 11.) Phasing plans, if any.
 - 12.) Calculation of net developable acreage and proposed project density.
 - 13.) Proposed permitted and accessory uses.
- B. Preliminary Plan Approval Period- The approval of a preliminary development plan shall be effective for a period of one (1) year in order to allow for the preparation and submission of the final development plan. No zoning amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary development plan was granted. If the final development plan has not been filed within this one (1) year period, then the preliminary development plan approval shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new preliminary and final development plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures and conditions as an original application. These new applications shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD district.
- C. Final Development Plan – The applicant shall submit seven (7) copies of the final development plan to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PCD district, the Zoning Commission shall be the review authority for the final development plan.

The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with application for the zoning district change.

If, in the opinion of the Zoning Commission, there is a substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence. The final development plan shall include in text and map form the following:

- 1.) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PCD District.
- 2.) The plan will be to scale of at least 1" = 100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
 - a.) The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other

development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.

- b.) Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
- c.) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
- d.) Building heights and dimensions.
- e.) Off-street parking.
- f.) Signs.
- g.) Exterior Lighting: All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- h.) The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- i.) A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- j.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- k.) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.

- l.) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- m.) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- n.) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- o.) Specific statements of divergence from the development standards in of this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
- p.) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- q.) The development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- r.) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PCD district.
- s.) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - i.) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
 - ii.) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
 - iii.) Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

- iv.) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
 - v.) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
 - vi.) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
 - vii.) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.
 - t.) The Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
- D. Final Development Plan Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD District.

- E. Phasing- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.
- F. Failure to Maintain- If the organization established to own and maintain the open space, or the owners of dwelling units within the PCD shall, for any reason, fail to maintain the open space in reasonable order and in accordance with the final development plan, such failure shall constitute a breach of the development plan and a violation of the zoning resolution. The Board of Township Trustees or its designee may serve written notice upon such organization of the deficiencies and demand that corrective action be taken immediately and pursue enforcement of the zoning resolution.
- G. Plat Required- If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
- 1.) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
 - 2.) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
 - 3.) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
 - 4.) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.
- H. Extension of Time/ Modification of Final Development Plan
- 1.) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not

in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

- 2.) A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.
 - 3.) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:
 - i.) A change in the use or character of the development;
 - ii.) An increase in overall lot coverage of structures and off-street parking;
 - iii.) An increase in the density;
 - iv.) An increase in the problems of traffic circulation and public utilities;
 - v.) A reduction in approved open space;
 - vi.) A reduction of off street parking and loading space;
 - vii.) A reduction in required pavement widths;
 - viii.) A reduction of the acreage in the planned development;
 - ix.) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.
- I. Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.
- J. Divergences- The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted "as approved per plan." An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

ARTICLE XVI RESERVED FOR FUTURE USE