

*Application for  
Planned Residence District and Preliminary Development Plan*

# LONGHILL

Berlin Township, Delaware County, Ohio

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### **Summary of Included Information**

This booklet contains materials specified in the Berlin Township Zoning Code to support a simultaneous submittal of a Planned Residence District and a Preliminary Development Plan for Longhill. The information provided within is in text, map and plan format.

Section I provides a narrative of the proposed development and describes the overall vision for Longhill and how it relates to the Comprehensive Land Use Plan.

Section II responds specifically to Article 11 of the Berlin Township Zoning Code. In this section, the code is used as an outline and applicant responses, commitments and divergences are stated. The code language will be in regular font, while response will be bold, italic font.

Section III includes all supporting exhibits. All exhibits are referenced within Sections I and II and are clearly labeled with a letter. A single 30"x42" sheet of the preliminary development plan, at 1"=200', is provided at the back of the booklet.

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SECTION II–  
Regulating Text

**ARTICLE 11 PLANNED RESIDENTIAL DISTRICT (PRD) – LONGHILL****SECTION 11.01: PURPOSE: SEE SECTION 5.055 SECTION****11.02: INITIAL DISCUSSIONS**

The applicant is encouraged to engage in informal consultations with the Zoning Inspector, Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map.

*The applicant has met informally with township and county officials. The applicant has also met with surrounding property owners and residents in an open house format.*

No statement by officials of the Township or County made prior to formal submission of a development plan and application to the Zoning Commission under 11.10 shall be binding. Any and/or all such informal consultations may be subject to Ohio's open meeting laws (ORC §121.22) and may be required to be held in an open public meeting.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PRD district shall follow the procedures set forth in Article 11 herein.

**SECTION 11.03: LOCATION OF PLANNED RESIDENTIAL (OPEN SPACE) DEVELOPMENTS**

Planned Residential Development zoning will be overlaid on FR-1, R-2, R-3, R-4, and TPUD zones pursuant to a zoning map amendment approved by the township. The net density of the underlying zoning shall be used to determine the number of units allowed. All other standards shall be as defined in Article 11.

*This subdivision will overlay the R-3 district to provide standards for development.*

**SECTION 11.04: PERMITTED USES**

- A.) Single Family detached residential dwelling units in FR-1 and R-2, R-3, and R-4 PRDs;
- B.) Single family dwellings in R-2, R-3, and R-4 PRDs, or multi-family buildings (including condominiums separated by vertical firewalls) in TPUD PRDs.
- C.) Common Area: upon approval of the final development plan by the township, the following uses and improvements may be permitted in the common area:
- 1.) Outdoor sports (active recreation) and recreational activities.
  - 2.) Accessory service buildings and structures incidental and pertinent to the uses set forth in Section 11.04(C)(1) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.
- D.) Natural Area: restricted to passive recreational uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area. Agriculture may also be used as natural open space, provided it does not permit hog operations, poultry barn, and fur bearing farms or feed lots. Accessory buildings should be discouraged in the natural area.

*All permitted uses are included in this PRD District without modification.*

**SECTION 11.05: ACCESSORY USES**

- A.) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.
- B.) Schools, if they occupy a lot of not less than 1 acre, with adequate area for indoor and outdoor recreation, and additional setbacks as may be necessary to avoid disruption to adjacent residences.
- C.) Adult Family Homes as provided for and defined in ORC Chapter 3722.
- D.) Child Day Care provided in the provider's permanent residence for six or fewer children, who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as a residence.
- E.) Temporary structures such as manufactured or mobile homes, or mobile offices, and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling 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 twice for a total combined period of time under all issued permits not exceeding eighteen (18) months. 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/she 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 not later than ten (10) days after expiration of said permit.
- F.) Conducting of casual sale of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days. The sale and parking area shall be outside of the right-of-way and shall not interfere with traffic on adjacent thoroughfares. Any signage must be consistent with Article 22.
- G.) Limited home occupation, as prescribed in Section 24.15 of this resolution.
- H.) Licensed Family Homes as provided for in ORC §5123.19. All such facilities shall possess all approvals and/or licenses as required by state or local agencies.

*All permitted accessory uses are included in this PRD District without modification.*

**SECTION 11.06: CONDITIONAL USES**

- A.) Model Homes in Subdivisions, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyer the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:
- 1.) **Lighting:** All exterior lighting, except for security lighting, must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting, except for security lighting, shall be extinguished at the closing time of the model home.
  - 2.) **Parking:** All model homes shall provide off-street paved parking for the public. Such off-street

paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.

**Screening and Trash Receptacles:** Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by visitors to the home.

- 4.) **Termination of Use:** The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate after five (5) years from its opening date, or when building permits have been issued for ninety percent (90%) of the lots, whichever comes first.
- 5.) **Model Home Signs:** Model home signs may be approved by the Board of Zoning Appeals provided the following conditions are met:
- a.) the sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two) square feet maximum total display area;
  - b.) the overall height of the sign shall be no more than four (4) feet above grade.
  - c.) model home sign shall be located on the same lot as the model home.
- 6.) If sign information is not presented at the time the development is submitted and approved, the applicant will apply for a conditional use permit to the Board of Zoning Appeals, which will rule on additional sign conditions.

*All conditional uses are included in this PRD District without modification.*

#### **SECTION 11.07: PROHIBITED USES**

- A.) Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall not be permitted.
- B.) Outdoor storage of inoperable, unlicensed, or unused vehicles or trailers, for a period exceeding fourteen (14) 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.
- C.) No trailer of any type, no boats, no motor homes, nor equipment of any type shall be parked in front of the building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- D.) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days per calendar year and only one (1) occupied motor home or camper is permitted at any time.
- E.) Except as specifically permitted in Section 11.01(G) or approved in the approved development plan, no manufactured/mobile home shall be placed or occupied in this district. This provision does not apply to permanently-sited manufactured homes.

F.) No trash, debris, unused property, or discarded materials which create an eyesore, hazard, or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

G.) In subdivided areas that meet the requirements of section 711.131 of the Ohio Revised Code, the keeping of livestock and poultry is prohibited.

H.) Boat or vehicle storage yards of facilities within common open space areas are prohibited.

*All prohibited uses are included in this PRD District without modification.*

#### **SECTION 11.08: DESIGN FEATURES REQUIRED OF A PRD**

The development plan shall incorporate the following standards:

A.) 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;

*The development plan incorporates open spaces to meet these requirements.*

*See the following:*

*Exhibit F – Illustrative Master Plan*

*Exhibit G – Preliminary Development Plan*

*Exhibit I – Open Space/Circulation Plan*

B.) No building shall be constructed within 50 feet of the perimeter property line of the overall PRD tract;

*The development plan incorporates residential lots and associated buildings to meet this requirement.*

*See Exhibit G – Preliminary Development Plan.*

C.) The zoning commission may require walkways to connect all dwelling areas with open space and to interconnect the open spaces;

*The development plan incorporates sidewalks and multi-use paths to meet this requirement. Sidewalks shall be provided on both sides of all internal streets. A ten (10) foot wide multi-use path shall be provided to provide access to and through the open space areas.*

*See the following:*

*Exhibit F – Illustrative Master Plan*

*Exhibit G – Preliminary Development Plan*

*Exhibit I – Open Space/Circulation Plan*

D.) Moderate to thick coverage by trees and natural undergrowth is desirable to most intended functions of the open space. Where such foliage exists naturally, it should be retained where practicable. Where adequate foliage does not exist, the Zoning Commission 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;

*The development plan preserves the only significant existing vegetation, located along the perimeter of the site, to the greatest extent possible to meet this requirement. Trees and natural undergrowth are established along a high percentage of the site perimeter. This vegetation shall be preserved to act as a natural buffer between new development and existing land uses. These areas may be supplemented with additional plantings to provide*

*additional screening between existing and proposed residential uses.*

*See the following:*

*Exhibit E – Existing Conditions Map*

*Exhibit J – Preliminary Landscape Plan*

E.) Scenic areas and views shall be preserved to the maximum extent practicable, including views from the adjacent road;

*The development plan incorporates a scenic roadway landscape treatment along Berlin Station Road and the future Piatt Road extension to meet this requirement. This treatment may include, but not be limited to, multi-use pathways, landscaping, preserved vegetation, earth mounding, decorative fencing, entry features, project signage and/or storm water management areas.*

*See Exhibit J – Preliminary Landscape Plan.*

F.) 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 of the proposed or existing houses;

*Storm water drainage facilities shall be located within the open space reserves. The design of the facilities shall be made in conjunction with all accepted engineering guidelines and with review and approval of the Delaware County Engineer's office. Designs of all storm water facilities shall incorporate best practices to prevent erosion and flooding of all proposed and existing homes.*

*See the following:*

*Exhibit O – Serviceability Summary Letter*

*Exhibit U – Preliminary Storm Water Management*

G.) Minimum overall tract size for a PRD is 20 acres, unless adjacent to a neighborhood of comparable density or design, in which case the Zoning Commission may permit the tract size to be reduced to 10 acres;

*The development plan meets this requirement. The tract is 301.944± acres in size.*

*See the following:*

*Exhibit C1 – Boundary Map*

*Exhibit C2 – Legal Description*

H.) Improvements within the PRD shall conform to the subdivision standards for Delaware County Ohio;

*All improvements within the proposed subdivision shall conform with the adopted Delaware County Engineer's Design Construction and Surveying Standards.*

I.) Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat are to be preserved to the greatest extent possible;

*The development plan locates improvements and residential lots on the site to meet this requirement. Wetlands, steep slopes, floodplains, ravines and noted wildlife habitat are absent on the site. Trees and undergrowth area established along a high percentage of the perimeter. This vegetation will be preserved to the greatest extent possible.*

J.) The permitted density shall not be exceeded.

*The development plan shall meet this requirement. The proposed density is 1.85 dwelling units per net developable acre. This density does not exceed the proposed density adopted in the Berlin Township Comprehensive Plan (Subarea 4(a)).*

*The Longhill PRD shall be further limited by the following:*

*The maximum number of Lot Type A lots shall be one hundred five (105), and*

*The minimum number of Lot Type C lots shall be eighty (80).*

K.) The required percent of open space shall be provided. The percent of open space required varies according to the zoning district overlaid;

1.) FR-1: 40% (of gross tract area) open space

*Not applicable to this PRD.*

2.) R-2, R-3 and R-4: 20% (of gross tract area) open space

In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. Unbuildable areas, (defined as jurisdictional wetlands, floodplains, slopes greater than 20%, utility rights-of-way and existing bodies of water) may count for up to 50% of the required open space. That portion of land dedicated to public purpose that remains either open and unbuilt upon by any structure (including parking) or which houses a recreational facility approved by the Zoning Commission on the Development Plan may count toward the open space requirement.

*The development plan shall meet this requirement. Open space provided shall be a minimum of 60.40± acres.*

*See the following:*

*Exhibit F – Illustrative Master Plan*

*Exhibit G – Preliminary Development Plan*

*Exhibit I – Open Space/Circulation Plan*

L.) No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.

*The development plan shall meet this requirement. No residential structures shall be constructed within a 100-year flood plain as the site is absent of such.*

M.) In FR-1 zones, water supply and sanitary sewage disposal shall be as approved by the Delaware County Board of Health and/or the Ohio EPA. Feasibility shall be indicated by the appropriate agency at the time of the preliminary plan. In the R-2, R-3 and/or R-4 zones, centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health, and/or 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.

*The development will be serviced by centralized water and sewer. Letters outlining the availability and capacity of centralized sewer and water are included as part of this application.*

*See the following:*

*Exhibit O – Serviceability Summary Letter*

*Exhibit P – Serviceability Letters*

N.) 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 5:12 pitch, or as approved by plan. Permanently sited manufactured housing must have a minimum pitch of 3:12.

*The development plan shall meet these requirements and shall be further limited by the following standards:*

**1. General Character**

*The character of the development shall be one (1), one and one-half (1½) and two (2) story residential structures with a variety of two (2) or three (3) car garages that mimic the quality of the surrounding homes in the greater community and adjacent neighborhoods.*

**2. Cladding Materials**

- a. *The exterior cladding of all structures shall be finished using brick, thin brick, stone, manufactured stone, stucco, wood, engineered wood, fiber-cement, composite, polymer, cellular PVC or any combination thereof.*
- b. *The color of exterior cladding materials shall be muted tones, natural earth tones, neutrals and whites. High chroma colors are not permitted.*

**3. Trim Materials**

- a. *The exterior trim of all structures shall be finished using wood, engineered wood, fiber-cement, composite, polymer, urethane foam, cellular PVC, vinyl, prefinished metal, copper or any combination thereof.*
- b. *The color of exterior trim materials shall be muted tones, natural earth tones, neutrals and whites, complementary or contrasting to the cladding materials. High chroma colors are not permitted.*

**4. Roofing Materials**

- a. *The roof of all structures shall be finished using dimensional asphalt shingles (30-year warranty), wood, slate, concrete, tile, prefinished metal, copper or any combination thereof.*
- b. *The color of roofing materials shall be natural earth tones, neutrals, and/or black. High chroma colors are not permitted.*

**5. Architectural Diversity**

- a. *The same or significantly similar front elevations shall not be repeated within:*
  - i. *One lot on either side of the subject lot, and*
  - ii. *Two lots directly across the street from the subject lot.*
- b. *This diversity requirement shall not apply to themed or architecturally coordinated communities that may be incorporated within the development.*

**6. Configuration of Materials and Architectural Elements**

- a. *Similar materials, design elements and detailing shall be consistent on all elevations of all structures.*
- b. *Blank facades are not permitted.*
- c. *Changes in cladding materials shall occur at logical locations, typically at interior corners where one building mass meets another. Masonry transitions at exterior corners are permitted with a minimum twelve (12) inch material return and trim detail.*
- d. *Walls shall show no more than two (2) cladding materials (excluding trim).*
- e. *All structures shall limit the use of stucco as a cladding material to a maximum of 50% of the area of the primary façade.*

**7. Garages and Garage Doors**

- a. *All single-family dwellings shall incorporate an attached or detached garage to accommodate a minimum of two (2) standard sized automobiles, side by side.*
- b. *Side-loaded or court-loaded garages shall be utilized on a total of twenty-five (25) percent of the platted lots.*
- c. *All garage doors shall be decorative in appearance, an example being “carriage-style” doors.*

**8. Manufactured Housing**

- a. *Permanently sited manufactured housing is not permitted.*

O.) Residential lots shall be fenced for safety if they abut agriculture.

*The Longhill PRD shall meet this requirement.*

P.) Sidewalks or paths shall be provided. Sidewalks shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed green strip. Deciduous, broad leaf street trees (i.e., maple, oak, sycamore, chestnut, and sweet gum) shall be planted (or saved) at the rate of one per 60 feet of frontage on both sides of the street. Trees must be at least a 2.5 inch caliper at planting. Trees may not be placed in the 5' green strip between the street and sidewalk. Trees shall be placed in the front lawn of the residences.

*The Longhill PRD shall meet this requirement. Sidewalks shall be located on both sides of the internal streets per the Delaware County Subdivision standards. All sidewalks will provide access to open space areas and multi-use paths. Street tree size and planting rate shall meet this requirement.*

*See the following:*

*Exhibit F – Illustrative Master Plan*

*Exhibit G – Preliminary Development Plan*

*Exhibit I – Open Space/Circulation Plan*

*Exhibit J – Preliminary Landscape Plan*

Q.) Setbacks, front, side and rear: as defined in the underlying zoning district.

*The Longhill PRD proposes the following Front Yard setbacks:*

*Lot Type A: Fifty (50) feet from the centerline*

*Lot Type B: Fifty-five (55) feet from centerline*

*Lot Type C: Fifty-five (55) feet from centerline*

*The Longhill PRD proposes the following Side Yards and requests a divergence (Divergence 1):*

*Lot Type A: Six (6) feet*

*Lot Type B: Eight (8) feet*

*Lot Type C: Ten (10) feet*

*The Longhill PRD will meet the rear yard requirement for all proposed lot types.*

*Lot Type A: Twenty-five (25) feet*

*Lot Type B: Twenty-five (25) feet*

*Lot Type C: Twenty-five (25) feet*

*The Longhill PRD shall be further limited by the following:*

*The maximum number of Lot Type A lots shall be one hundred five (105), and*

*The minimum number of Lot Type C lots shall be eighty (80).*

See the following:

*Exhibit G – Preliminary Development Plan*  
*Exhibit K – Product Character – Lot Type A*  
*Exhibit L – Product Character – Lot Type B*  
*Exhibit M – Product Character – Lot Type C*  
*Exhibit N – Product Comparison*

R.) Minimum lot size: as defined in the underlying zoning district.

*The Longhill PRD shall meet the requirement of 10,890 square feet minimum lot size for Lot Type C.*

*The Longhill PRD proposes the following minimum lot size for Lot Types A and B and requests a divergence (Divergence 2):*

*Lot Type A: 8,750 square feet*  
*Lot Type B: 10,800 square feet*

*The Longhill PRD shall be further limited by the following:*

*The maximum number of Lot Type A lots shall be one hundred five (105), and*  
*The minimum number of Lot Type C lots shall be eighty (80).*

See the following:

*Exhibit G – Preliminary Development Plan*  
*Exhibit K – Product Character – Lot Type A*  
*Exhibit L – Product Character – Lot Type B*  
*Exhibit M – Product Character – Lot Type C*  
*Exhibit N – Product Comparison*

S.) Minimum lot width: as defined in the underlying zoning district.

*The Longhill PRD shall meet the requirement of eighty (80) feet minimum lot width for Lot Types B and C.*

*The Longhill PRD proposes the following minimum lot width for Lot Type A and requests a divergence (Divergence 3):*

*Lot Type A: Seventy (70) feet minimum*

*The Longhill PRD proposes that the minimum lot width for all lots be measured at the front setback line and requests a divergence (Divergence 4).*

*The Longhill PRD shall be further limited by the following:*

*The maximum number of Lot Type A lots shall be one hundred five (105), and*  
*The minimum number of Lot Type C lots shall be eighty (80).*

See the following:

*Exhibit G – Preliminary Development Plan*  
*Exhibit K – Product Character – Lot Type A*  
*Exhibit L – Product Character – Lot Type B*  
*Exhibit M – Product Character – Lot Type C*  
*Exhibit N – Product Comparison*

T.) Detached garages with one-hour fire rated construction may be constructed within ten (10) feet of the lot line

provided the garage is located to the rear of the house, and that the garage does not abut an adjacent residence.  
***The Longhill PRD shall meet this requirement.***

U.) Street layouts should relate to natural topography, and be designed to provide open space views to as many homes as possible.

***The Longhill PRD shall meet this requirement. The Preliminary Development Plan has been designed to relate to the natural topography and provide views of open spaces.***

V.) Attached garages shall be setback at least 12 feet from the front building line of the house, if on street parking is not provided.

***The Longhill PRD shall meet this requirement.***

W.) Porches: A covered porch or portico across some portion of the front of the house is a recommended structural design element.

***The Longhill PRD shall meet this requirement.***

X.) Street lighting, if provided, must be of white light, with light standards of traditional or Victorian design (no modern gooseneck lamps or yellow lighting). Maximum height of standards is 16 feet.

***The Longhill PRD shall meet this requirement. Street lighting is not anticipated for internal streets at this time. Lighting at entrances from county roads may be required by the county engineer. Any such lighting shall meet the standards for intersection lighting as established by the Delaware County Engineer.***

Y.) Building Height Limits: No buildings in this district shall exceed thirty-five (35) feet in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Chimneys, barns, silos, grain handling conveyors, church spires, domes, flag poles, and elevator shafts are exempted from the height regulation and may be erected to any safe height, not to exceed one-hundred (100) feet in height. No windmills, antennas, or towers shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and not to exceed one hundred (100) feet in height.

***The Longhill PRD shall meet this requirement.***

Z.) Building Dimensions: (Floor space requirements): Each detached single family dwelling hereafter erected in this district shall have a living area not less than one-thousand (1000) square feet or eight-hundred (800) square feet of ground floor living area, if the residence is multi-story. All such living areas shall be exclusive of basements, porches, or garages.

***The Longhill PRD shall meet this requirement and shall be further limited by the following standard: Each single-family home shall have a minimum of one thousand five-hundred (1,500) square feet of living area exclusive of basement, porches or garages.***

All attached single-family structures constructed within this district shall contain the following minimum living area:

- 1.) One (1) bedroom unit: 800 square feet
- 2.) Two (2) bedroom unit: 900 square feet

3.) Three or more bedroom units: 1000 square feet

*The Longhill PRD shall meet these requirements.*

AA.) 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 requirements of Article 26, 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.

*The Longhill PRD shall meet this requirement and requests a divergence (Divergence 5) to code section 26(A)(1)(a)7 regarding buffer planting along any use and a railroad.*

*The Longhill PRD proposes that preserved vegetation along the railroad shall meet the Property Perimeter Landscape requirement outlined in Article 26(A)(1)(a)7.*

*A preliminary landscape plan is included with the rezoning application. A final landscaping plan will be submitted with the Final Development Plan.*

*See Exhibit J – Preliminary Landscape Plan.*

BB.) 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 provisions of Article 24 of this Resolution, when appropriate, shall be incorporated.

*The Longhill PRD shall meet this requirement. Parking shall be provided at the time of construction.*

CC.) Signs: Except as provided under the provisions of this Article for home occupations or as controlled by Article 25 (Signs) of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

*The Longhill PRD shall meet this requirement. All signage shall comply with Article 25.*

DD.) The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or tract for sale.

*The Longhill PRD requests a divergence (Divergence 6). A request is being made to provide two (2) signs for the subdivision as there will be two (2) entryways into the site. The signs may remain in place until 90% of the homes are built or the permanent entryway features are installed.*

EE.) Exterior Lighting: All exterior lighting shall meet the lighting requirements of Article 24 of this zoning resolution, unless a variation from these standards is specifically approved as part of the final development plan.

*The Longhill PRD shall meet this requirement. All lighting shall comply with Article 24.*

FF.) Other required provisions as stated in this ordinance. The Berlin Township Zoning Commission and/or Board of Trustees 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.

#### **SECTION 11.09: DEVELOPMENT PLANS**

A.) **Preliminary Development Application:** Upon application for a PRD District, the owner(s) 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 in accordance with PRD standards.

Twenty (20) copies of the preliminary development plan and electronic media as specified by the Zoning Inspector shall be submitted to the Zoning Commission with the PRD application along with a list of addresses for notification as defined in Section 31.01 herein. The plan shall include in text and map form, the following:

1.) The proposed size and location of the PRD 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.

*See the following:*

*Section II – Development Plan Overview*

*Exhibit D– Regional Context Map*

*Exhibit E– Existing Conditions Map*

*Exhibit G– Preliminary Development Plan*

2.) Suggested architectural designs for all structures and signs.

*Refer to Section 11.08(N) for architectural standards.*

*It is anticipated that park structures and entry/features will be constructed as part of this development. Designs for park structures and entry features will be provided for approval at the Final Development Plan phase. The overall theme and character for the initial phase and all future phases shall be established at that time.*

*See Exhibit J– Preliminary Landscape Plan for locations of park structures, entry feature elements and ID signs.*

3.) The intended general provisions for water, fire hydrants, sanitary sewer, and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.

*See the following:*

*Section II – Development Plan Overview*

*Exhibit O – Serviceability Summary Letter*

*Exhibit P – Serviceability Letters*

*Exhibit U – Preliminary Storm Water Management*

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.

*See the following:*

*Section II – Development Plan Overview*

*Exhibit A – Zoning Map*

*Exhibit B – Recommended Land Use Map*

*Exhibit D – Regional Context Map*

*Exhibit E – Existing Conditions Map*

- 5.) A design of the open space and proposed description of its use and maintenance.

See the following:

*Section II – Development Plan Overview*

*Exhibit I – Open Space/Circulation Plan*

*Exhibit J – Preliminary Landscape Plan*

- 6.) Specific statements of divergence from the development standards in this Article.

**1. Divergence 1 – Side Yards**

- a. **Standard:** *Section 9.06(F) establishes a 12.5’ minimum side yard.*
- b. **Request:** *A reduction from a 12.5’ side yard to a 6’ side yard for Lot Types A*
- c. **Request:** *A reduction from a 12.5’ side yard to an 8’ side yard for Lot Types B*
- d. **Request:** *A reduction from a 12.5’ side yard to a 10’ side yard for Lot Types C*
- e. **Justification:**
- i. *The health, safety and welfare of the public is protected by structure separation and construction standards governed by the Ohio Building Code and Ohio Fire Code. And,*
  - ii. *Reduction of side yards is a best practice technique in “cluster” development. And,*
  - iii. *Reduction of side yards allows +/-9.5 acres to be transferred from private lots to public open space, roughly the area provided as centralized neighborhood parks. And,*
  - iv. *Reduction of side yards maximizes the amount and quality of open space as identified as a priority in the Comprehensive Land Use Plan. And,*
  - v. *Reduction of side yards contributes to sustainability by minimizing the amount of infrastructure investment/maintenance dollars while maximizing the property value per lot. And,*
  - vi. *In conjunction with high standards and limitations on architectural design and materials, reduced side yards will contribute to a cohesive, high-quality development as identified in the Comprehensive Lands Use Plan.*
  - vii. *Reduction of side yards contributes to +/-7.9 acres of additional buildable area over all lots.*

**2. Divergence 2 – Lot Area**

- a. **Standard:** *Section 9.06(A) establishes a 10,890 square foot minimum lot area.*
- b. **Request:** *A reduction from 10,890 square feet to 8,750 square feet for Lot Types A, limited to a maximum of 105 lots.*
- c. **Request:** *A reduction from 10,890 square feet to 10,800 square feet for Lot Types B,*
- d. **Justification:**
- i. *Reduction of lot area allows +/-6.0 acres to be transferred from private lots to public open space, roughly the area provided as the central neighborhood park. And,*
  - ii. *Reduction of lot area is a best practice technique in “cluster” development. And,*
  - iii. *Reduction of lot area maximizes the amount and quality of open space, identified as a priority in the Comprehensive Land Use Plan. And,*
  - iv. *In conjunction with reduced lot area, commitments and limitations on architectural design and materials standards will contribute to a cohesive, high-quality development as identified in the Comprehensive Lands Use Plan.*
  - v. *The total area for 531 lots as proposed is equal to the lot area of 531 standard lots, +/-130.0 acres.*

**3. Divergence 3 – Minimum Lot Frontage (Lot Width)**

- a. **Standard:** *Section 9.06(B) establishes a minimum lot frontage of 80’ measured along a street.*
- b. **Request:** *A reduction from 80 feet to 70 square feet for Lot Types A, limited to a maximum of 105 lots.*
- c. **Justification:**
- i. *Reduction of lot frontage provides for a diversity of home types and products as identified as a priority in the Comprehensive Land Use Plan. And,*
  - ii. *In conjunction with high standards and limitations on architectural design and materials, reduced lot frontage will contribute to a cohesive, high-quality development as identified in the Comprehensive Lands Use Plan.*

**4. Divergence 4 – Measurement of Lot Frontage**

- a. **Standard:** *Section 9.06(B) establishes a minimum lot frontage of 80’ measured along a street.*
- b. **Request:** *Lot frontage to be measured at the building setback line.*
- c. **Justification:**
- i. *Measurement of lot frontage at the setback line is a standard practice in most planned developments. And,*
  - ii. *Measurement of lot frontage at the setback line maximizes the amount and quality of open space, identified as a priority in the Comprehensive Land Use Plan. And,*
  - iii. *In conjunction with high standards and limitations on architectural design and materials, measurement of lot frontage at the setback line will contribute to a cohesive, high-quality development as identified in the Comprehensive Lands Use Plan.*

**5. Divergence 5 – Railroad Buffer**

- a. **Standard:** *Section 26.03(A)(1)(a) establishes a prescribed treatment between railroad and residential.*
- b. **Request:** *Preserved vegetation along the railroad will meet the buffer requirement.*
- c. **Justification:** *Sufficient vegetation exists along the railroad to meet requirement.*

**6. Divergence 6 – Signs**

- a. **Standard:** *Section 11.08(DD) limits 1 adverting sign for a period of 1 year.*
- b. **Request:** *To permit two (2) signs for the development. The signs may remain in place until 90% of the homes are built or the permanent entryway features are installed.*
- c. **Justification:**
- i. *There will be multiple entryways into the site along multiple roadways. And,*
  - ii. *Build out for the entire development is expected to be 8-10 years.*

- 7.) Proposed location of all structures.

See the following:

*Exhibit F – Illustrative Master Plan*

*Exhibit G – Preliminary Development Plan*

*Exhibit I – Open Space/Circulation Plan*

*Exhibit J – Preliminary Landscape Plan*

- 8.) Preliminary Traffic Impact Analysis, based upon new trip generation.

*A Preliminary Traffic Analysis has been performed.*

See *Exhibit V – Traffic Impact Analysis*

- 9.) The responsibility and maintenance of any proposed on-site sewage disposal systems, and letter from the appropriate county or state agency declaring the site feasible for such design.

*The site will be serviced by the Delaware County Regional Sewer District.*

*See the following:*

*Section II – Development Plan Overview*

*Exhibit P – Serviceability Letters*

10.) All required design features from Section 11.08.

11.) Emergency service provisions (letter from Fire and Police departments).

*Emergency services will be provided by Berlin Township Fire Department and Delaware County Sheriff's Office.*

*See the following:*

*Section II – Development Plan Overview*

*See Exhibit Q – Serviceability Letters*

12.) Phasing plans.

*See the following:*

*Section II – Development Plan Overview*

*Exhibit G – Preliminary Development Plan*

*Exhibit H – Phasing Plan*

- B.) **Preliminary Plan Approval Period:** The approval of a preliminary development plan shall be effective for a period of one (1) year from the date 30 days after the zoning became final in order to allow for the preparation and submission of the final development plan. No zoning text 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 Trustees have 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, fees, and conditions as an original application. In the event the one (1) year timeline expires, any preliminary development plan thereafter filed 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 PRD district.

- C.) **Modifications of the Preliminary Development Plan:** In the event that an applicant or owner who has obtained approval of a Preliminary Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Zoning Inspector. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

Upon receipt of such an application, the Zoning Inspector shall refer the application to the Board of Trustees for a determination to be made at the sole discretion of the Trustees as to whether the Application shall be treated as a request for a minor modification.

If the Trustees determine by a unanimous vote that the application should be handled as a minor modification request, it shall set the matter at any public meeting before the Board of Trustees. The applicant shall have the right to amend his or her application at any time prior to the vote of the Board

of Trustees.

If the application is not determined to be minor modification request, the Trustees shall forward the Application to the Township Zoning Commission and the Commission shall schedule and conduct a public meeting, and make a written recommendation for the approval, modification, or the denial of the application to the Board of Trustees following the same procedure outlined in ORC §519.12 for the amendment of a zoning resolution.

If an amendment is sought with respect to an application deemed major after a vote by the Commission, the amended application will be returned to the Commission for additional review and recommendation.

Consideration of requests for modifications of an approved Preliminary Development Plan shall be considered in all respects to be a legislative process and approval or denial of any such request shall be considered and treated as a legislative act.

- D.) **Final Development Plan:** The applicant shall submit twenty (20) copies of the final development plan and electronic media as specified by the Zoning Inspector to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PRD 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 change.

If, in the opinion of the Zoning Commission, there is 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 Planned Residential 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 of the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, 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.
  - c.) Architectural design criteria including materials, colors and exact renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall

be submitted for approval.

- d.) The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn.
- e.) A traffic impact analysis by a professional engineer who is skilled at traffic surveys, showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- f.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- g.) Location of schools, parks and other public facility sites, within or adjacent to the site.
- h.) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- i.) 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.
- j.) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- k.) Specific statements of divergence from the development standards in Articles 24 (General Standards) 25 (Signs) and/or 26 (Landscaping) or existing County Subdivision regulations or standards and the justification therefore, unless a variation from these development standards is specifically approved, the same shall be in compliance. Since the Final Development Plan is an exact rendition of what is intended to be built, all standards for setback, landscaping parking and lot size are per plan.
- l.) 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.
- m.) In the preparation of the development plan, or the individual drawings used to make up the development plan the respective architect, landscape architect, professional engineer, or surveyor licensed to practice in the state of Ohio shall place his or her seal on his or her own drawings.

**E.) Effect of Final Development Plan Approval:** The Final Development Plan as approved by the Township Zoning Commission shall be the subject of a subdivision plat to be approved by the Delaware County Regional Planning Commission if required by Ohio Revised Code. 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.) 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 plat has not been approved and recorded, and construction of any building has not been 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. In the event the three (3) year time line expires, any new final development plan thereafter filed 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 PRD District.

**G.) Phasing:** Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in general compliance with the timetable in the approved development.

**H.) Ownership and Maintenance of Open Space:**

- 1.) **Ownership of Open Space:** Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain undivided and may be owned and managed by a homeowners' association, the township, or a recognized land trust or conservation district (conservancy). A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

**Ownership Standards.** Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the township:

- a.) **Offer of Dedication:** The Township shall have the first offer of undivided common open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township may but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is not cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

- b.) **Homeowners' Association:** The undivided common open space and associated facilities may be held in common ownership by a homeowner's association. The association shall be formed and operated under the following provisions:

- 1.) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.

- 2.) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
- 3.) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
- 4.) The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the Township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
- 5.) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
- 6.) In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
- 7.) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
- 8.) The homeowners' association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
- a.) that the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
  - b.) that the undivided common open space shall be maintained for purposes set forth in the Section;
  - c.) that the operation of common open space may be for the benefit of the residents only or may be open to all residents of the township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the township, all residents of the township shall be access to such identified paths/walkways; and,
  - d.) the lease shall be subject to the approval of the homeowners' association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Trustees within 30 days of action by the Board.
- e.) Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
- f.) Dedication of Easements. The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners association, provided:
- i.) Such land is accessible to township residents;
  - ii.) There is no cost of acquisition other than incidental transfer of ownership costs;
  - iii.) A satisfactory maintenance agreement is reached between the developer, association and the Township.
- g.) Transfer of Easements to a Private Conservation Organization. With the permission of the Township, and owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
- 9.) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
  - 10.) The conveyance contains appropriate provisions for the Township Trustees is entered into by the developer and the organization.
- 2.) Maintenance of Open Space:
- a.) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
  - b.) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice and to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

- I.) **Plat Required:** If required by applicable law, no use shall be established or changed, and no structure 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.
- J.) **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.
- L.) The Township Zoning Commission and/or the Board of Township Trustees 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.

#### SECTION 11.10: PROCESS FOR REZONING

Consistent with ORC §519.021(A), all Applications for Amendments to the Zoning Map to rezone lands to the PRD shall follow this process:

- 1.) **Step 1:** The applicant, being the owner of the subject real estate (or his/her representative or assignee) may apply for designation of the land as a PRD overlay. Simultaneous with the application for PRD, it is recommended that the applicant schedule a walkabout or informal review with the Zoning Inspector and other county agencies to familiarize all parties with the lay of the land and the general design intent of the applicant.

A Preliminary Development Plan which complies with the requirements of Section 11.09(A) must be submitted with the application. A rezoning to another district may be submitted simultaneously with a PRD overlay application. For example, if a PRD/R-2 were desired for land

zoned FR-1, a rezoning from FR-1 to R-2 would be filed with the application for PRD. If the application is approved, then the zoning map is amended to the appropriate PRD overlay: either FR-1/PRD, R-2/PRD, R-3/PRD, or R-4/PRD.

No double fees would be charged. In order to receive the PRD at the higher density, both zonings would have to be approved. The change in the zoning map is considered a legislative amendment, and is subject to referendum by the citizens of the township.

- 3.) **Step 2:** The applicant, being the owner of the subject real estate (or his/her assignee) may apply for the consideration and approval of a Final Development Plan which must comply with the requirements of Section 11.09(D) and, unless otherwise allowed, conform to the approved Preliminary Development Plan. The approval or disapproval of the Final Development Plan is an administrative act by the Zoning Commission.

#### SECTION 11.11: REQUIRED FINDINGS FOR APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT

The Zoning Commission and Trustees may approve a Planned Residential Development zoning overlay provided they find that the proposed use complies with all of the following requirements:

- A.) That the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution.
- B.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- C.) That the proposed development advances the general welfare of the township and the immediate vicinity.
- D.) That the proposed plan meets all of the design features required in this resolution.
- E.) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- F.) That the proposed development will be compatible in appearance with the remainder of the district; and
- G.) That the minimum open space as required herein has been provided.

#### SECTION 11.12: EFFECT OF PROPERTY OWNER INITIATED PRD ZONING OVERLAY ON THE PREVIOUS ZONE

Upon approval of the PRD district, the regulations for the PRD and its underlying district shall prevail.

#### SECTION 11.13: ADMINISTRATION OF THE DEVELOPMENT PLAN

After Development Plan approval, all subdivision plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector for administrative review to ensure compliance with the Development Plan as approved. Any change to an approved Final Development Plan shall require that a proposed Application for Development Plan Amendment be submitted to the Zoning Commission.

- A.) **Deviations:** Upon submittal of a written Application requesting approval for changes to an approved Development Plan, the Zoning Commission shall designate whether such changes represent Minor or Major Deviations to the plan. This may occur at any public meeting.

- 1.) Minor Deviations include, but are not limited to, changes in the location of buildings, structures, streets or parking areas. The Zoning Commission may choose to impose conditions, safeguards, or other restrictions to carry out the intent of this District. The decision of the Zoning Commission shall represent final approval or denial of such deviation.
  - 2.) Major Deviations shall be considered at a public hearing by the Zoning Commission. Major deviations include but are not limited to:
    - a.) A change in the use or character of the development;
    - b.) An increase in overall lot coverage of structures and off-street parking. c.)  
An increase in the density;
    - d.) A change in traffic circulation or usage of public utilities; e.)  
A reduction in approved open space;
    - f.) A reduction of off street parking and loading space; g.)  
A reduction in required pavement widths;
    - h.) A change of the acreage in the planned development;
    - i.) Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.
    - j.) For Major Deviations, the recommendation of the Zoning Commission shall be forwarded to the Board of Trustees for a final public hearing.
- B.) **Default:** If construction of any site improvement has not been commenced within three (3) years after approval of the initial Final Development Plan, approval of the Plan shall expire, unless an extension of the time limit has been approved by the Zoning Commission.
- C.) **Extension of Time:** An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or increasing the approval period for either a preliminary or final Development Plan may be granted by the Zoning Commission at any public meeting 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.