

# **ARTICLE 11 PLANNED RESIDENTIAL DISTRICT (PRD) FOR ROSS ESTATES**

## **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.

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.

**The Applicant has met with and engaged in informal discussions with the Zoning Officer, Zoning Commission and representatives of the Delaware County Regional Planning Commission prior to the formal submission of the Development Plan for this property.**

## **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.

## **SECTION 11.04: PERMITTED USES**

A.) Single Family detached residential dwelling units in FR-1 and R-2, R-3, and R-4 PRDs;

**Single-family detached residential dwelling units are a permitted use in this Planned Residential District.**

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.

**Single-family detached residential dwelling units are a permitted use in this Planned Residential District. Multi-family buildings are not permitted.**

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.

**Common Areas and Natural Areas, as shown on the Development Plan, are permitted uses in this Planned Residential District.**

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.

**Common Areas and Natural Areas, as shown on the Development Plan, are permitted uses in this Planned Residential District.**

#### **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.

**Non-residential uses, as defined in Section 11.05 A), are permitted uses in this Planned Residential District.**

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.

**School uses, as defined in Section 11.05 B), are permitted uses in this Planned Residential District.**

C.) Adult Family Homes as provided for and defined in ORC Chapter 3722.

**Adult Family Homes uses, as defined in Section 11.05 C), are not a permitted use in this Planned Residential District.**

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.

**Child Day Care uses, as defined in Section 11.05 D), are permitted uses in this Planned Residential District.**

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.

**Temporary structures, as defined in Section 11.05 E), are permitted uses in this Planned**

## **Residential District.**

- 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.

### **Conducting of casual sale of goods, as defined in Section 11.05 F), are permitted uses in this Planned Residential District.**

- G.) Limited home occupation, as prescribed in Section 24.15 of this resolution.

### **Limited home occupation, as defined in Section 11.05 G) and Section 24.15, are not a permitted use in this Planned Residential District.**

- 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.

### **Licensed Family Homes, as defined in Section 11.05 H), are not a permitted use in this Planned Residential District.**

## **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.
- 3.) **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.

**Conditional Uses, as defined in Section 11.06, are permitted uses in this Planned Residential District. In respect to Section 11.06 4), the model homes, constructed in the initial phase of the subdivision, shall be used for all phases of the subdivision, and shall cease to be used as model homes after five (5) years from the opening date, or when ninety percent (90%) of the building permits have been issued for the entire subdivision, whichever comes first. All Conditional Uses shall comply with Sections 11.06 A) 1) thru 6).**

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

**The Applicant and the Development Plan and Text in this Planned Residential District shall comply with all Prohibited Uses, as defined in Section 11.07.**

- 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.

#### **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;

**Open space is planned to be distributed throughout the development. See the Development Plan for the unified open space system.**

**A bike trail outside of the Piatt Road right-of-way is proposed to be constructed by the developer as part of this Ross Estates. This will connect to the Evans Farm bike trail and extend to Peachblow Road.**

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

**The Applicant will comply with the 50-foot building-perimeter property line setback.**

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

**The sidewalks will be constructed by the Home Builders, along the front of all lots in the subdivision, as each home is constructed. Corner lots shall have walks on both sides fronting public roads.**

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 site for this Development Plan is currently in agricultural use. As such, there is no current tree and/or grass cover on the site.**

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

**The site for this Development Plan is currently in agricultural use. There are no scenic views or wooded areas to be preserved on the site.**

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;

**The site for this Development Plan is currently in agricultural use. Storm water detention and retention are proposed to compliment the open space and residential community. See Tab 2, Landscape Plan for the overall planting scheme for the open space areas.**

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 site for this Development Plan is 42.76 acres (gross acreage).**

**DEVELOPMENT DATA**

**Site Acreage:** 42.76 ac. (Gross)  
36.35 ac. (Net Development Area per definition)

**Total Dwelling Units** 72 single-family du's; 71 new single-family lots and the original Ross home

**Permitted Density:** 1.85 du/ac (Net Dev. Area/ R-3 Lot Area)

**Proposed Density:** 1.68 du/ac (Gross)  
1.98 du/ac (Net Dev. Area/ R-3 Lot Area)

**Open Space:** 8.55 ac. (Required – 20%)  
13.30 ac. (Provided – 31%)

**See Section 11.09 A) 6), Divergence Request.**

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

**Improvements within this Development Plan shall conform to the subdivision standards for Delaware County, Ohio.**

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 site for this Development Plan is relatively flat and an agricultural use. There are no floodplains, wetlands or noted natural wildlife habitat on this site.**

J.) The permitted density shall not be exceeded.

**The 2010 Land Use Plan for Berlin Township identifies this Planning Area 8, with a density of 1.85 du/ acre with centralized sanitary sewer.**

**With the proximity of Ross Estates to Evans Farm, and specifically, the proximity to the Evans Farm Berlin Town Center, the adjacent 40' to 55' wide lots and the densities approaching 8.0 du/ ac to the south of this proposed development, 1.98 du/ac (net) is appropriate. Further, the open space requirements for Ross Estates have been exceeded; Peachblow and Piatt Roads are proposed for improvements; and a bike trail is proposed to be constructed by the developer as part of this Ross Estates.**

**See Section 11.09 A) 6), Divergence Request.**

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
- 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.

**This Development Plan includes 13.30 acres of open space (31% of gross area); 8.55 acres of open space is required (20%). This open space acreage does not include wetlands, floodplains, slopes over 20%, nor existing bodies of water.**

**A bike trail outside of the Piatt Road right-of-way is proposed to be constructed by the developer as part of this Ross Estates. This will connect to the Evans Farm bike trail and extend to Peachblow Road.**

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

**This Development Plan will comply with this Section.**

- 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.

**See Tab 3, Engineering Feasibility. Service letters from the County Sanitary Engineer's office and Del-Co Water are included in this Development Text.**

- 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.

**Architectural standards are included in this Development Text. Final architectural plans and landscape plans for each individual lot shall be submitted with the zoning permit application, to the Berlin Township Zoning Office for review and approval.**

**Please refer to the following Architectural Standards.**

**Residential Units: Homes shall be high-quality architectural character and style. Homes will be one-story, one and one half-story and two-story structures. No residential structure shall**

exceed 35' in height. Chimneys, towers, and steeples shall comply with Section 11.08 Y).

**Single-family Residential Sizes:**

One-story residences:	1,800 s.f. (min.)
One and one half-story residences:	1,950 s.f. (min.)
Two-story residences:	2,100 s.f. (min.)

**Exterior Finishes:** Exterior finish materials (cladding and trim) of homes shall include brick, stone, manufactured stone, stucco, wood, engineered wood, fiber-cement, PVC, composite, and polymer materials. Vinyl siding is not permitted. Aluminum wrap on the fascia and gables, only, is permitted; the color of the wrap shall match the trim color.

Names of the manufacturers of several of these finish materials include, but are not limited to, James Hardie, LP Smart Siding, AZEK, Certain Teed, and others.

**Exterior Colors:** Exterior colors of the residences shall compliment the adjacent residential community, Oldefield Estate, to the east across Piatt Road. These colors shall include only natural earth tones, grays and/or white.

High chroma and neon colors are not permitted. No more than 2 paint colors, with the use of a stone or brick, may be used on any individual residential unit. Garage doors shall be finished as a single color, within the 2-paint color restrictions, regardless if the garage is attached or detached.

**Garages/ Lot Parking Spaces:** Each residence shall provide a 2-car garage, minimally, for off-street parking. In addition, driveways shall be constructed to provide two (2) off-street, uncovered parking spaces. Garage doors shall be paneled, with complimentary exterior hardware and shall be a single material. Windows in garage doors are permitted.

**House Design Diversity:** Homes shall be diverse in their designs, materials and colors. There shall be no exact repeat of a home, with the same materials and colors, within 3 lots in each direction, on each side of the street, of any other home.

**Residential Roof Pitches:** All residential roofs on the main portion of the residence shall be a minimum of 6:12 pitch. Secondary roofs, such as porches may be a minimum of 4:12 pitch.

**Residential Setbacks:** See Section 11.08 Q).

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

**This Development Plan shall comply with this Section.**

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.

**This Development Plan shall comply with this Section. All deciduous trees that are compatible with the local climatic growing zone are permitted, with the following exceptions: silver maples, boxelders, willows, walnuts, and cottonwoods are not permitted for use in this subdivision.**

**A bike trail outside of the Piatt Road right-of-way is proposed to be constructed by the developer as part of this Ross Estates. This will connect to the Evans Farm bike trail and extend to Peachblow Road.**

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

**This Development Plan shall comply with this Section.**

**Front Yard/ Building Setback:**

Class A Roads:	80'
Class B & C Roads:	25' See Section 11.09 A) 6), Divergence Request.
Side Yard:	12.5' per side
Rear Yard:	25' Main structure; 10' Accessory building

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

**The minimum lot size for this Development Plan is 10,890 s.f. (min), in compliance with the underlying zoning district.**

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

**The minimum lot widths for this Development Plan is 80', as measured at the building/ front setback line, in compliance with the underlying zoning district.**

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.

**This Development Plan shall comply with this Section.**

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

**This Development Plan shall comply with this Section.**

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.

**This Development Plan shall comply with this Section. On-street parking shall be permitted in this Development Plan**

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

**Architectural standards are included in this Development Plan and Text. See Section 11.08 N), Architectural Standards.**

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.

**Street lighting will not be provided in this Development Plan. Front porch lighting and yard lamps will provide lighting along public streets. All lighting shall comply with Section 24.13 of the Berlin Township Zoning Resolution.**

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.

**This Development Plan shall comply with this Section.**

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.

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

**This Development Plan shall comply with this Section. Architectural standards are included in this Development Plan and Text. See Section 11.08 N), Architectural Standards.**

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.

**This Development Plan shall comply with this Section. Landscape plans for each residence shall be submitted to the Zoning Officer for approval at the time of the zoning permit submittal of each residence. See Tab 2, Landscape Plan, for the Landscape Plan for the Community open space and entrance design.**

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.

**This Development Plan shall comply with this Section.**

- 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.

**This Development Plan shall comply with this Section and Article 25 of the Berlin Township Zoning Resolution. See Tab 2, Landscape Plan for the entrance signage for the Piatt Rd entrance.**

- 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.

**This Development Plan shall comply with this Section.**

- 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.

**This Development Plan shall comply with this Section and 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.

**This Development Plan is for the Preliminary Development Plan application. The Final Development Plan application will be submitted for approval consideration at a future date as a separate application, according to the Berlin Township Zoning Resolution.**

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.

**The Development Plan includes all site conditions of this site. The proposed development shall retain the Ross family's farm house and the associated outbuildings (which will become one of the total lots of this community), beyond that the site is currently used exclusively for**

**agricultural purposes. There are no wooded areas, wetlands, or 100-year floodplains on the site.**

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

**See Section 11.08 N) for Architectural Guidelines in this Development Text. See Section 11.08 CC) for signage restrictions.**

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 Tab 3, Engineering Feasibility for engineering and utility feasibility.**

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.

**Existing surrounding uses:**

- **West: existing Norfolk Southern and CSX railroad corridor. Three (3) existing rails with up to 40 trains per day using the rails.**
- **North: single-family residential.**
- **East: Oldefield Estates is located to the east of Piatt Road. These single-family lots are similar in size and comparable in permitted use as this Development Plan.**
- **South: Evans Farm is located to the south of this Development Plan. Smaller lots and the town center are located to the south of this Development Plan.**

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

**See Tab 2, Landscape Plan for the layout of the open space.**

**The open space through the community will be used for passive recreation. The southeastern pond will include a fishing dock with the pond for community use, as well as serving as an entrance amenity.**

**The open space will be owned and maintained by the Ross Estates Home Owner's Association, see Tab 4. Use of the open space will be passive recreation.**

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

**The following list identifies all divergences requested in this Development Plan:**

- **Section 11.06 4) – The Applicant requests that the model homes, constructed in the initial phase of the subdivision, shall be used for all phases of the subdivision, and shall cease to be used as model homes after five (5) years from the opening date, or when ninety percent (90%) of the building permits have been issued for the entire subdivision, whichever comes first.**
- **Section 11.08 J) - With the proximity of Ross Estates to Evans Farm, and specifically, the proximity to the Evans Farm Berlin Town Center, the adjacent 40' to 55' wide lots and the densities approaching 8.0 du/ ac to the south of this proposed development, 72 dwelling units (71 new residences and the retained Ross family home), and 1.98 du/ac**

(net) is appropriate. Further, the open space requirements for Ross Estates have been exceeded; Peachblow and Piatt Roads are proposed for improvements; and a bike trail is proposed to be constructed by the developer as part of this Ross Estates.

- Section 11.08 Q) – The Applicant requests for a front building setback divergence in order to match the pedestrian-scaled, comfortable front setback of the neighboring, Oldefield Estates.

7.) Proposed location of all structures.

**Each single-family residence will be located on an individual single-family lot. See Section 11.08 Q, for all residential setbacks. Following sections identify permitted attached and detached garage locations, each of which this Development Plan will comply.**

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

**See Tab 3, Engineering Feasibility.**

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 sanitary service will be provided by the Delaware County Sanitary Department. See Tab 3, Engineering Feasibility.**

10.) All required design features from Section 11.08.

**See Section 11.08. All required design features have been appropriately addressed.**

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

**See Tab 3, Communications for emergency service letters.**

12.) Phasing plans.

**This Development Plan includes a Phasing Plan. See Tab 1, 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.

**The Open Space for the Ross Estates shall be owned, administered, and maintained by the Homeowners' Association. See Tab 4, Master Declaration of Covenants (sample).**

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 homeowners association. The association shall be formed and operated under the following provisions:

**The Open Space for the Ross Estates shall be owned, administered, and maintained by the Homeowners' Association. Membership in the homeowners association is mandatory for all purchasers of new homes and their successors. See Tab 4, Master Declaration of Covenants (sample).**

- 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:

**The Open Space for the Ross Estates shall be owned, administered, and maintained by the Homeowners' Association. See Tab 4, Master Declaration of Covenants (sample).**

- 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.

- l.) **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:

**Preliminary and Final Plats shall be submitted according to the Delaware County Subdivision Regulation. All items listed below will be appropriately addressed with plat submittals to the DCRPC for Preliminary and Final Plat approvals.**

- 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.

**The Applicant shall comply with this Section.**

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:

**The Applicant will comply with this Section.**

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.

**The Applicant has met with the Berlin Township Zoning Official. The Applicant has also met with the Regional Planning Commission staff and County Engineer staff. This application is the request for approval for the Preliminary Development Plan for the subject property.**

- 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.

**The Final Development Plan application will be made in the future, in compliance with the Berlin Township Zoning Resolution.**

### **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.

**Yes, the proposed development is consistent with the intent, and general standards of the Berlin Township Zoning Resolution and Berlin Township Comprehensive Land Use Plan, 2010.**

**This property abuts higher densities, smaller lot sizes and more intense land uses with the Evans Farm Berlin Town Center located to the south of this site. The Ross Estates development will serve as a transitional density area, holding close to the intent of the Township Comprehensive Plan recommendations on density and far exceeding the minimum area required for open space dedication.**

- B.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

**Yes, the proposed development is in conformity with the land use, density, general lot size, open space dedication and other recommendations of the with the Berlin Township Comprehensive Land Use Plan, amended 2014, as defined in Planning Area 8.**

**This property abuts higher densities, smaller lot sizes and more intense land uses with the Evans Farm Berlin Town Center located to the south of this site. The Ross Estates development will serve as a transitional density area, holding close to the intent of the Township Comprehensive Plan recommendations on density and far exceeding the minimum area required for open space dedication.**

- C.) That the proposed development advances the general welfare of the township and the immediate vicinity.

**Yes, the proposed development advances the general welfare of the township and immediate**

**vicinity. The proposed development complies with the recommendations of the Comprehensive Plan and promotes the open space corridor along Piatt and Peachblow Roads.**

C.) That the proposed plan meets all of the design features required in this resolution.

**Yes, the proposed development meets the design features of the Berlin Township Zoning Resolution.**

D.) That the proposed development is in keeping with the existing land use character and physical development potential of the area.

**Yes, the proposed development is in keeping with the land use character and physical development potential of this area as defined in the Comprehensive Plan and the Zoning Resolution.**

**This property abuts higher densities, smaller lot sizes and more intense land uses with the Evans Farm Berlin Town Center located to the south of this site. The Ross Estates development will serve as a transitional density area, holding close to the intent of the Township Comprehensive Plan recommendations on density and far exceeding the minimum area required for open space dedication.**

E.) That the proposed development will be compatible in appearance with the remainder of the district; and

**Yes, the proposed development will be compatible in appearance with the remainder of the district.**

F.) That the minimum open space as required herein has been provided.

**Yes, the minimum open space area requirement has been met; the dedicated open space area exceeds 30%, where 20% open space is required.**

#### **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.