

Transitional Planned Unit Development

Maeve Meadows

Existing Zoning: R-4 with PRD overlay
Requested zoning TPUD
June 14, 2021

ARTICLE 13 TRANSITIONAL PLANNED UNIT DEVELOPMENT (TPUD)

SECTION 13.01: PURPOSE: SEE SECTION 5.057

SECTION 13.02: PERMITTED USES

Within the Transitional Planned Unit Development (TPUD) the following uses, when approved by the development plan process and developed in strict compliance with the approved development plan and standards shall be permitted:

- A.) Multi-family residential structures of any type, attached or detached units, including but not limited to attached, modular, patio, common wall or any reasonable variation on the same theme .**

Single family detached homes are proposed for this development plan.

- B.) Accessory buildings and accessory uses incidental to the principal building or use.**

- B.) Multi-family cluster housing. For purposes of this section, "cluster housing" shall mean a residential development wherein the overall density is consistent with the TPUD standards but modifications are permitted in lot size and shape to concentrate residential development in a portion of the overall tract, thereby retaining the remainder of the tract as permanent, common open space.**

Single family homes are proposed, with lots clustered to preserve and create useable open space, including play areas, pond overlooks, and walking trails.

- C.) Non-residential uses of a religious, cultural, education or recreational nature or character to the extent that they are designed and intended to serve the residents of the Transitional Planned Unit Development. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without**

burdening residential streets.

No nonresidential uses are proposed.

- E.) Temporary structures such as manufactured/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 structure is being constructed. The user of said structure shall obtain a permit for such temporary use. This 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.**

Any temporary facilities deemed necessary shall comply with these standards.

SECTION 13.03: CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article 32 of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of Board of Zoning Appeals approval, or if said use is discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or lessee shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. Failure to comply with the terms of a conditional use permit shall result in a zoning violation. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

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 buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, et c.), 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 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 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 a minimum of six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking places.**
- 3.) Screening and Trash Receptacles: Landscape drawing shall be required and shall 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: A temporary showroom or display model that is used for marketing purposes by a commercial homebuilder during the sales period of a new residential development. For the purposes of this resolution, a model home loses its status as a marketing tool after five (5) years from its opening date, or when 90% of total zoning permits within the development are issued or whichever comes first. However, the model home usage may continue if it is a permitted use within a commercial zoning district . Model homes may be converted to permanent residences at the end of their use as a marketing location, provided they meet all zoning and building codes for occupancy.**
- 5.) No building equipment or materials may be stored at the model home.**
- 6.) Model Home Signs: Allowed as approved by the Board of Zoning Appeals and not to exceed sixteen (16) square feet per side with thirty-two (32) square feet maximum total display and an overall height of four (4) feet above grade.**

Model Homes shall comply with these requirements.

B.) Rental Complex Offices: One (1) rental office shall be allowed within a rental complex . The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:

1.) Hours of operation: All rental complex offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No rental complex office shall be open on Sunday before 12:00 noon.

2.) Lighting: All exterior lighting must be "down-lighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the rental complex office, except that which is in character with those found on surrounding homes.

3.) Parking: All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street paved parking lot for public use. The number of required parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required in Article 24.

4.) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.

No rental complex is proposed for this development as it is single family homes for sale.

D.) Telecommunication towers pursuant to Section 6.04.

No towers are proposed with this plan.

SECTION 13.04: PROHIBITED USES

A.) Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.

B.) Outdoor storage of inoperable, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen consecutive (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. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.

- C.) Except as provided in the development plan no trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the established front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum setback line established by this code, the restrictions in the plat or deed or the development plan.**
- D.) Except as specifically permitted in the approved development plan, no manufactured home, mobile home, or mobile office structure shall be permanently placed or occupied in this district . This does not apply to permanently-sited manufactured homes.**
- E.) 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 parcel.**
- F.) No commercial or business activity shall be conducted in a unit designed for residential use except for Limited Home Occupations as provided in Section 24.15.**
- G.) No temporary structure or unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with Article 32 of this Resolution.**

The development plan shall comply with these prohibited uses and conditions.

SECTION 13.05: INITIAL DISCUSSIONS

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

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 13.09 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.

The applicant has had informal meetings with the zoning board to review the plans.

SECTION 13.07: DEVELOPMENT PLANS

A.) Preliminary Development Plan-With the filing of any application to rezone property to the TPUD, the owner(s) or lessees of the subject lots or land to be rezoned within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

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 TPUD 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 size and location of the proposed TPUD 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 proposed size of the property is approximately +/- 23.838 acres. The site is located on the south side of Cheshire Road, east of Piatt Road. It is located in Subarea 8 - Suburban Heart, of the Berlin Township Comprehensive Plan. Refer to Tab 3, Exhibit C-1, Preliminary Development Plan.

- 2.) Conceptual architectural elevations for all structures and signs.**

Exterior Appearance and Materials

Finish building materials shall be applied to all sides of the exteriors of buildings. Colors and building materials shall be harmonious and compatible with colors of the natural surrounding and adjacent buildings and improvements.

All front facades shall consist of all-natural material. Natural material shall be defined as brick, natural or manufactured stone, stucco; natural or engineered wood siding, or cementitious siding, with painted or stained finish. The maximum amount of stucco allowed on any front facade shall be 30%. Side and rear facades may be high grade vinyl.

Exterior Colors

Exterior colors of excessively high chroma or intensity are not permitted. No more than two colors in addition to the colors of natural brick, stone or manufactured stone may be used on the building as a whole. Garage doors shall not be painted

in contrasting colors to adjacent wall surfaces; they shall be painted to be similar in color to adjacent wall surfaces and trim.

Roofs

All main roofs shall have a minimum pitch of 6:12. Secondary roofs, such, as at porches, may be a lesser slope and a minimum of 4:12. Roofs shall be finished in standard 3-tab shingle, 25-year warranty. Dimensional shingles may also be used. Roof color shall be consistent from building to building and shall be in the black, brown or gray tones or blends of these colors. Stark white and bright colors shall be prohibited.

Chimneys and Fireplaces

Cantilevered chimneys are permitted but must extend above roofline, cantilevered shed style are not permitted. Direct vent fireplaces are permitted provided they are contained inside the building main walls or cantilevered chimney. Chimneys may be finished in the same material as adjacent wall. Direct vent fireplaces and 90% efficient furnaces may exhaust directly through adjacent wall. Manufactured wood burning fireplaces and furnace exhausts may protrude through roof without enclosure provided pipe size is limited to 8" maximum and is painted a dark color to blend with roof color.

Garages

No dwelling may be constructed on any lot unless an attached enclosed garage for at least two automobiles is also constructed on the same lot. Garage door shall be paneled and of one color and one material.

Signage

Temporary and Permanent signage are proposed for this development. Temporary signage shall be located adjacent main entry from Piatt Road. This sign shall consist of a single panel and is shown on Tab 4, Exhibit D-2. A permanent identification sign will be located at the main entry from Piatt Road The sign shall be yard arm type sign and have down lighting to illuminate signage. Refer to Tab 4, Exhibit D-2.

3.) The intended general provisions for water, fire hydrants, sanitary sewer, and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.

Water shall be provided by Delco Water. Sanitary sewer will be extended to this site from the north. Refer to the conceptual utility plan by Terrain

Evolution, Tab 5, Exhibit E-1, and utility letters, Tab 5, Exhibits E-2 through E-10.

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.

The proposed development is bordered by existing single-family homes along the north boundary and northeast boundary and to the south is a single-family home/ landscape nursery. To the west is Piatt Road, to the east is Howard Farms, a new single-family subdivision. See Tab 3, Exhibit C-2 for the Existing Features Plan.

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

The open space has been designed to preserve existing trees and buffer existing homes around the periphery of the site, and to provide internal pockets of open space for residents use. Large open spaces along Piatt Road have been accentuated to allow for an attractive entry to the subdivision and provide a large open space for residents use. All open spaces shall be maintained by the HOA.

Common Open Space A contains the main entry feature and signage, a large detention pond, as well as landscape buffers along Piatt Road comprised of mounding and landscape. A 10' multi use trail is provided along Piatt Road per the comprehensive plan, and a 5' sidewalk will be located around the proposed retention pond, as well as connecting the cul-de-sac to the multi-use trail along Piatt.

Natural Open Space 'A' and 'B' likewise contain existing trees and shall be preserved.

Common Open Space B contains mounding that buffers the existing home to the south, as well as the southern portion of the entry feature and the temporary marketing sign.

Ponds with headwalls and end walls that are exposed to view shall be treated with real or synthetic stone to resemble stone walls.

6.) Specific statements of divergence, if any, from the development standards

in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.

A divergence to the structure separation of 25' (Section 24.03) is requested, to allow for a 12' building separation. The reduced setback allows for preservation of extensive open space on site, reduces lengths of public roadways, infrastructure, and maintenance, and provides yard spaces that are customary to home buyers in the housing market.

A divergence from section 13.06 L is requested to allow vinyl as an exterior siding material for sides and rear of homes.

7.) Proposed location of all structures and uses.

See Preliminary Development Plan - Tab 3, Exhibit C-1, for locations of all structures. All structures shall be located on a fee simple lot, excluding the proposed pathways and entry feature signage.

8.) Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards.

Refer to Tab 5, Exhibit E-10 for Traffic Impact Study.

9.) All required design standards in Section 13.06.

A development plan shall be submitted that meets all the standards and requirements of this Article, and which demonstrates that the design proposes buildings grouped together with a defined center, a network of open space and connecting sidewalks or pathways, resident parking provided off street, and a tree lawn adjacent to the street with trees located behind the sidewalk. The development plan shall incorporate the following standards:

See C-1 for Development plan that indicates that these items have been provided.

A.) Density: Maximum of four (4) dwelling units per net developable acre.

The plan meets the density requirements, being 2.12 du/ac net and 1.8 du/ac gross.

- B.) Common Open Space: Not less than 10% of the total tract acreage must be set aside as useable common open space, meaning areas exclusive of landscape islands and berms for parking lots and yards or courts immediately adjacent to the dwelling units. The township shall determine if the open space configuration meets the intent of these standards during preliminary development plan review. Open spaces may be used for the retention, detention and disposal of storm water drainage. Features which are likely to cause erosion or flooding shall not be permitted.**

Total open space provided exceeds the 10% requirement, being 46% of the site. The open spaces are designed to be pedestrian oriented through the use of paths and trails, play areas and open play fields, and pond overlooks as well as natural area preservation.

- C. Minimum Tract Size: 10 acres or as approved on the final development plan.**

The tract size complies and is +/- 23.8 acres in size.

- D.) Arrangement of Structures:**

- 1.) Setbacks: The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article 24 unless a variance is approved.**

A divergence to the structure separation of 25' (Section 24.03) is requested, to allow for a 12' building separation. The reduced setback allows for preservation of extensive open space on site, reduces lengths of public roadways, infrastructure, and maintenance, and provides yard spaces that are customary to home buyers in the housing market.

- 2.) 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.

No building shall exceed 35' in height.

E.) Building Dimensions: All 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**

All residential structures shall meet or exceed these standards.

F.) Landscaping: All yards, front, side and rear, shall be landscaped in accordance with Article 26. All open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, shall be submitted and is subject to approval as a part of the final development plan. Natural foliage shall be retained as buffers where practicable . The Township may require establishment of such tree cover and /or other foliage to buffer adjacent uses.

Refer to landscape plans Pages D-1 and D-2 for proposed landscape for the development. All yards shall be landscaped, along with open spaces and entry features.

G.) Environmentally Sensitive Areas: Jurisdictional wetlands, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible. No structures shall be constructed within the 100-year floodplain of any stream or river. To the maximum extent possible, all-natural drainage courses, vegetation and contours in excess of 6% shall be maintained.

The proposed development complies with this requirement.

- H.) 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 final development plan. In preparing and approving the parking plan, the parking provisions of Section 24.01 of this Resolution shall be incorporated, or a divergence requested.**

Proposed parking shall comply and be a minimum of 4 spaces per single family home.

- I.) Signs: Signs shall conform to Article 25 of this resolution, or a divergence requested and approved as part of the final development plan.**

Proposed signage complies with this resolution, see Exhibits D-1 and D-2

- J.) Supplemental Conditions and Safeguards: The Zoning Commission and/or Board of Trustees may require additional conditions be met with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.**

- K.) Rental units: No more than 20% of multi-family units may be either designated as rental units or held back by the developer for lease; all other dwelling units must be for sale to individual owners. Assurance of compliance with this requirement shall be shown on the development plan or plat or through deed restriction.**

No multi family units are proposed, development will comply.

- L.) Materials: All exterior sides of all units shall be sheathed in brick, stucco, stucco-stone, stone, wood, or cementitious lap siding.**

A divergence from this section is requested to allow vinyl as an exterior siding material.

M.) Roof Pitch: All residential roofs shall be a minimum of 6/12 pitch, or as otherwise approved by plan.

Main roofs for Development will comply, Secondary roofs, such, as at porches, may be a lesser slope and a minimum of 4:12.

N.) Walkways and Street Trees: The Township may require walkways to connect all dwelling areas with open space and to interconnect the open spaces. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped or grassed tree lawn with trees planted behind the sidewalk.

The proposed plans for the development include sidewalks along the public streets, multi-use 10' width pathway along Piatt Road, and internal walkways linking open spaces together per this requirement.

O.) Pavement Width Standards for Intra Development Streets, Drives and Parking Lots: All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Delaware County Engineer' s Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement does not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross-sectional and design life standards within 50 feet of the edge of the public paved road.

All roadways shall be public and built to county standards.

P.) Underground Utilities: All utility lines constructed to service the proposed commercial uses shall be located underground.

All utility lines that serve this development shall be underground.

Q.) Architectural Details are Desirable: examples are wide corner

boards or quoins, lintels, columns, window boxes, shutters, round louvers, etc.

Architectural details shall be included with Final Development Plan.

- R.) Water and Sewer: Centralized water and sewer service shall be provided unless otherwise approved per development plan. The appropriate state and/or county agencies with jurisdiction shall indicate feasibility of water supply and wastewater disposal systems at the time of the preliminary development plan review.**

Centralized sewer and water are to be provided – refer to Exhibit E-1 , E-2, and E-3 for feasibility plans and letters.

- S.) Building Design: The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site.**

Refer to description of architectural standards, Item 2, of this text.

- T.) Exterior Lighting: All exterior lighting shall be as specifically approved as part of the final development plan in accordance with Article 24, Section 24.13 of this resolution.**

Lighting is proposed at the main entry sign and shall be down lit.

- 10.) Fire-fighting plan - letter from Fire department regarding access and water needs for firefighting.**

See exhibit E-8 for fire letter.

- 11.) Phasing plans, if any.**

The project shall be developed as one phase.

- 12.) Calculations of net developable acreage and project density for proposed multi-family uses.**

Single family is the only proposed use. Net developable calculations can be found on Exhibit C-1.

13.) Proposed permitted and accessory uses.

Permitted uses shall be single family and accessory uses customary to single family homes as permitted by Township Code and Deed restrictions.