

Perry Township Zoning Amendment

Number _____

PERRY TOWNSHIP ZONING RESOLUTION

TEXT AMENDMENT

June 2, 2022

I. Article IV: Planned Development Procedures and Regulations

Article IV shall be amended by adding the following planned district:

HPOD Henderson Planned Overlay District

II. Section 450: Henderson Planned Overlay District

Section 450 shall be added, to read as follows:

Section 450 (HPOD) Henderson Planned Overlay District

450.01 Nature of the District

The HPOD is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of residential development. The HPOD achieves this purpose by permitting flexibility of design in order to promote and accommodate efficient use of the land, thereby allowing for a unified development that:

- 1) Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- 2) Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- 3) Assures compatibility between proposed land uses within and around the HPOD through appropriate development controls.
- 4) Enhances the welfare and economy of the Township by making available a variety of housing options for the Township residents.

450.02 Overlay Area Established

The HPOD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the HPOD the area shown on the HPOD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official Zoning District Map for the HPOD as part of this amendment. The existing zoning regulations and district for such area shall continue to apply to all property within the HPOD unless the Zoning Commission approves an Application of an owner of property to subject the owner's property to the provisions of the HPOD. Such an Application shall be made in accordance with the provisions of Section 450.06 of the Zoning Resolution and shall include a Development Plan in compliance with the provisions of Section 450.06.3. Upon receiving such an Application and Development Plan, if the Township Zoning Commission determines that

the Application and Development Plan comply with the provisions of this Section 450 and approves the Application, the Township Zoning Commission shall cause the zoning map to be changed so that the underlying zoning district no longer applies to such property, with the property being thenceforth located in the HPOD and subject to the regulations thereunder. The approval of the Application and Development Plan and the removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment to the Zoning Resolution.

450.03 Permitted Uses

- 1) The following are permitted uses within the HPOD when approved by the Development Plan process in strict compliance with the approved Development Plan and standards, provided that each such use is listed as a permitted use in this Section and is specifically set forth in the Development Plan:
 - a. Single Family Dwelling Structures
- 2) Home Occupations: Home Occupations are permissible to the extent they comply with all requirements and limitations as set forth in Article V, Section 511 of the Zoning Resolution.
- 3) Temporary Structures. Temporary structures such as manufactured/mobile home 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. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for six months (6 mos.) and may be renewed not more than two times without the approval of an additional extension by the Zoning Commission. 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 the Zoning Inspector deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

450.04 Accessory Uses, Buildings and Structures

No accessory structures shall be permitted in the HPOD. Notwithstanding the foregoing, covered and uncovered patios, fire pits, and permanent grills shall be permissible.

450.05 Prohibited Uses

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

450.06 Process for Approval

All Applications to submit property to the HPOD regulations shall follow the procedures hereinafter set forth:

- 1) Pre-Application Meeting. The applicant is encouraged to engage in informal consultations with staff from the Township prior to formal submission of an Application for approval of a Development Plan. No statement or action by Township, County officials or other governmental agencies in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Revised Code) is required to be observed at pre-Application meetings involving a quorum of members of the Township Zoning Commission.
- 2) Application and Development Plan. The applicant shall prepare and submit ten (10) copies of an Application and Development Plan, along with an electronic copy and all applicable fees to the Township Zoning Commission. The Application shall be signed by the Applicant and all owners of property included in the Application and Development Plan. The Township Zoning Commission may request that any Federal, State and/or County agency submit comments for consideration at the meeting.

The Application shall be accompanied by a Development Plan and the following supporting information and documentation in text and map form:

- a. A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
 - b. A grading plan drawn to scale, showing all information pertaining to surface drainage.
 - c. A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliper, height, and numbers of each plant, shrub or tree, its name, its size at planting and rendering(s) of how that section of the development would look in elevation.
 - d. A detailed Signage and Exterior Lighting Plan, if applicable.
 - e. A detailed Parking and Loading Plan, if applicable.
 - f. Site Plan (Development Plan).
 - g. Tree Preservation Plan, which shall include a depiction of the Development Plan overlayed on the HPOD's existing conditions with indications of which trees on the site will be removed or preserved
- 3) Site Plan Contents. The Development Plan shall be drawn to a scale of at least one inch (1 in.) equals forty feet (40 ft.) and shall include in text and map form the following:

- a. Proposed name of the development and its location.
- b. Names and addresses of applicant, owners and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from and to all property owners within two hundred (200 ft.) feet from all boundaries of the area proposed for HPOD approval shall be provided. These shall be supplied by Applicant in electronic form.
- c. Date, north arrow and Plan scale. Scale shall be at least one inch equals 40 feet or larger scale.
- d. A list, description and location of the precise uses proposed for the development and phases for construction, if any. Listed uses for proposed Single Family Dwelling Structure(s) shall be generically requested and described, unless otherwise required in this Section 450.06. Any listed use may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes developing the property in phases, all phases to be developed after the first phase shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- e. Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public Open Spaces, permanent structures, and section and corporation lines within or immediately adjacent to the tract.
- f. Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
- g. The adjoining lines of adjacent tracts, parcels or lots and the current zoning classifications which apply thereto
- h. Existing zoning restrictions and deed restrictions, if any.
- i. Existing ground configuration, drainage channels, wooded areas, watercourses, wetlands and other significant physical features.
- j. Layout of proposed streets, private or public, including their names and rights of way, permitted parking areas, easements, sewers, water lines, culverts and other major improvements. A fire truck auto turn analysis for new private roads shall be provided.
- k. Layout, numbering and dimensions of lots if more than one. Individual condo unit layouts and numbers shall be provided, when applicable.
- l. Layout, location, dimensions and architectural features of proposed structures.

- m. The total amount of Lot Coverage, as that term is defined in Article VII, Section 720, proposed by the Application and Development Plan.
- n. Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
- o. Building setback lines with dimensions.
- p. Proposed street grades, sewer size and slope.
- q. Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.
- r. Preliminary drawings for buildings to be constructed, including floor plans, exterior elevations and sections.
- s. Color rendering of buildings(s), complete with a listing of all colors, along with the manufacturer's reference/serial number with samples and materials to be used.
- t. Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
- u. Projected schedule of site development.
- v. Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, storage areas, and trash containers from view.
- w. Accommodations and access for emergency and fire-fighting apparatus.
- x. Detailed construction traffic routes and access to the site. The Applicant/condo association, etc. shall be responsible for the repair of any damage caused to public streets or private roads during construction and/or future maintenance and reconstruction and may be required by the Zoning Commission to post an appropriate bond to cover such costs.
- y. Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.
- z. The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
- aa. The applicant may request a divergence from the development standards set forth in Section 450. An applicant making such a request shall specifically and separately list each requested divergence and the

justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in Section 450.08 and the General Development Standards applicable to all zoning districts, as set forth in the Zoning Resolution.

- bb. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
 - cc. Other supplemental information, as may be reasonably required by the Township Zoning Commission, in order to determine compliance with the Zoning Resolution.
 - dd. The Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- 4) Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within a reasonable time after the filing of the complete Application and shall give the applicant and all owners of property within, contiguous to, and directly across the street and to all property owners within two hundred (200 ft.) feet from all boundaries of the property boundary proposed for development written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular, first class mail to the addresses of those owners as they appear on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.
- 5) Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:
- a. If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of the Zoning Resolution and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
 - b. If the proposed plan meets all of the design features required in the Zoning Resolution.
 - c. If the proposed development is compatible with the existing land use character, consistent with the intent and purpose of this Section 450.01 and other applicable public plans for the area.
 - d. If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, police and fire

protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.

- e. If the proposed development promotes innovation in the planning and building of all types of development.
- f. If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the use and occupancy of the proposed development without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
- g. If the proposed development is designed in such a way as to minimize any unreasonable adverse impact on surrounding areas of the Township.

In approving the Application and Development Plan, the Zoning Commission may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the HPOD.

6) Effect of Approval.

- a. The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.
- b. The approval of the Development Plan shall be effective for a period of five years (5 yrs.) (or for such other time period as may be approved as part of the Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Zoning Commission approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, the subject parcel(s) shall remain zoned HPOD, but no use shall be established or changed and no building, structure or improvement shall be constructed until an Application for a new Development Plan, accompanied by a new Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

- c. No zoning certificate shall be issued for any structure in any portion of a HPOD for which a plat is required by the Franklin County Planning Commission unless the final subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Franklin County Recorder in accordance with the approved Development Plan and with the Subdivision Regulations of Franklin County, Ohio.
 - d. An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines 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 recordation of the plat and the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted and at the discretion of the Zoning Commission. A request for extension shall be filed prior to the expiration of the established approval period.
 - e. The approval process for the Development Plan requires a public hearing(s) before the Zoning Commission in accordance with Section 450.06.04, hereof. Following the approval of the Development Plan, proposed variations from the approved Development Plan that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to Article VIII of the Zoning Resolution. All other modifications to the Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 450.06.4, hereof.
 - f. The Zoning Commission may, at a duly held hearing, modify the approved Development Plan without being subject to the same procedures as the original Application. Any approval may be with such conditions or modifications as the Zoning Commission may determine. The applicant and all owners of property within, contiguous to, and directly across the street from the area proposed for modification shall be given at least ten (10) days' prior notice of the hearing by regular first class mail. The notice shall be mailed to the addresses of those owners as they appear on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the request. The request for modification may be approved upon a showing of a compelling reason and necessity for the same and upon a showing that the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original Development Plan, and that such modification is administrative in nature and not in conflict with the intent and purpose of the HPOD. The Zoning Commission shall render a decision on the request within thirty (30) days after the conclusion of the hearing
- 7) Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Development Plan, as well as any request

for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Perry Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as attorneys, architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related Application materials. As soon as reasonably practicable following the submission of an Application for approval of a Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Zoning Commission decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the Application materials. The Zoning Commission shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the Application materials, the Zoning Commission shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Zoning Commission shall consider the reasonable commercial rates of qualified professionals. Upon request, the Township shall provide the applicant with an itemized copy of any consultant(s) bill paid for in accordance with this Section 450.06.7. Notwithstanding the foregoing, bills for legal services shall only disclose the costs incurred and narrative descriptions shall not be disclosed, in that these are privileged communications and protected from disclosure under attorney-client privilege.

450.07 Design Standards

The proposed development for areas within the HPOD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section 450.07, as written and/or as they are modified in this Section to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section 450.07. The Development Plan shall comply with the following design standards:

- 1) Access. If approved by the applicable controlling jurisdiction, any HPOD development shall have direct access to Henderson Road from a private road of sufficient capacity to accommodate traffic generated by the proposed development. Unless otherwise approved by an approved Development Plan and the relevant provider of fire and emergency medical services, emergency vehicular connectivity shall be provided. Additional right-of-way for Henderson Road shall

be dedicated by the developer/property owner to the relevant governmental authority as required in order to commence development within the HPOD.

- 2) Setbacks and Yard Areas. The location and arrangements of buildings and structures within the HPOD shall be configured in a manner to appropriately balance Open Spaces and developed areas to provide safe separation between buildings and uses and to ensure convenient access within the area. Any development within the HPOD should be designed to provide additional housing and to protect and enhance housing and property values for the Township and the surrounding area. Property within the HPOD is located in two separate real property taxing districts, and therefore a combination of parcels is not legally permissible or possible. There shall be a zero setback requirement for pavement and buildings from the tax parcel boundary line that exists as a result of this condition.
- 3) Single Family Dwelling Density. The density of all proposed single family dwelling units in the HPOD shall be subject to the requirements and limitations of Section 450.08.
- 4) Perimeter Area. A 6-foot tall vinyl fence with 100% opacity shall be provided along the western, northern and eastern perimeter boundaries of the HPOD, provided that such fencing need not extend south of the southern facing facades of the southernmost buildings in the HPOD. Structures shall be located no less than fifteen feet (15 ft.) from adjacent property along the western and northern perimeter boundaries of the HPOD, and no less than twenty feet (20 ft.) from the eastern boundary. No single family dwelling unit shall be constructed within ten feet (10 ft.) of another single-family dwelling located within the HPOD. There shall be a minimum building and pavement setback of 25 feet as measured from the Henderson Road right-of-way, after any required dedications of right-of-way are made to the relevant governmental authority as result of development within the HPOD.
- 5) Buildings. The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development. No structure shall be located less than ten feet (10 ft.) from another structure. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures shall be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.
- 6) Building Size. Buildings may contain such area of floor space as is approved in the Development Plan and subject to the following limitations:

- a. Single Family Dwelling structures shall be no less than two thousand (2,000) square feet above grade per dwelling unit.
 - b. For purposes hereof, the term “above grade” shall mean any finished portion of the structure above the lowest point of grade adjacent to the house, so long as (a) any level below grade must have at least one (1) side exposed at grade; (b) natural light with windows and doors at such level shall be similar to the windows and doors in the remainder of the finished portion of the structure; (c) shall have the same interior trim as the balance of the finished portion of the structure; (d) shall have the same method of integrated heating and cooling as the balance of the home; (e) shall have at least one (1) full access point of similar quality to the other access points in the rest of the home; and (f) shall be integrated into the balance of the home (i.e., not just connected with an enclosed staircase).
- 7) Lighting. Exterior building lot lighting, if applicable, including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan and pursuant to the additional standards set forth under Section 450.08.7.
 - 8) Signage. All signs and graphics within any HPOD development shall be compatible in size, location, material, height, shape, color, and illumination within such area. A Signage Plan for any development within the HPOD shall set forth the design parameters for the development project to ensure a constant and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of the ground and/or monument sign as well as distances from rights-of-way. The sign should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. All signs shall comply with the additional standards as set forth in Section 450.08.8.
 - 9) Landscaping. All yards (front, side and rear) and all Open Space not covered by structure, asphalt and the like shall be landscaped or managed as natural growth areas. A conceptual landscape plan shall be presented for review and approval in conjunction with the initial application of the HPOD to the site. A detailed Landscape Plan shall accompany and be submitted with the Development Plan, shall be subject to approval as part of the Development Plan and shall be generally consistent with the approved conceptual plan. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained, or kept and maintained in a natural state, in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The Landscape Plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. Where appropriate and as identified in any Development Plan, the landscape treatment proposed to be provided shall enhance architectural features, provide shade and strengthen vistas and serve as an important axis between the development and other locations. The

Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent residential uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used. All landscaping shall comply with the additional standards as set forth in Section 450.08.9.

- 10) Floodplains and Environmentally Sensitive Areas. Floodplains shall be protected from building or pavement encroachment. A riparian buffer shall be provided for stream beds along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width of not less than fifty feet (50 ft.) as measured from the river, creek or stream high water mark on both sides. The buffer area shall have a width of not less than twenty-five feet (25 ft.) as measured from any watercourse high water mark on both sides. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area shall have a width not less than twenty-five feet (25 ft.), measured from the edge of the designated wetland. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable. In addition, all such other requirements of any governmental agency must be complied with.

- 11) Utilities. Centralized water supply and sanitary sewage disposal systems and storm water management shall be provided, subject to the Franklin County Sanitary Engineer, Franklin County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines shall be located underground.

- 12) Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

- 13) Air Pollution. No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

- 14) Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- 15) Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- 16) Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernable without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- 17) Odors. No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

450.08 Minimum Development Standards

The Development Plan shall comply with the following development standards:

- 1) Tract Size. The gross area of a tract of land proposed to be developed in the HPOD shall consist of a minimum of two (2) acres exclusive of right-of-way. Lots shall not be required or provided, as individual homes will be subject to a condominium form of ownership, and open space and other areas shall be common areas with the condominium.
- 2) Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.
- 3) Single Family Density. A maximum of 25 single-family homes shall be permitted within the HPOD and shall be designed to be compatible with surrounding land uses..
- 4) Setbacks and Yard Areas for Single Family Development.
 - a. Frontage and Lot Widths. Lots shall front upon and/or have access to an improved private road that is maintained by a condominium owners' association. Private road frontage shall be no less than twelve feet (12 ft.), unless such lots are "pie-shaped" and otherwise meet lot standards and yard requirements, in which case less than ten feet (10 ft.) frontage is permissible.

- b. Minimum Building Separation. No principal or accessory structure shall be located closer than ten feet (10 ft.) to another principal structure.
- c. Minimum Rear Yard Per Tract. A rear yard of at least fifteen feet (15 ft.) shall be provided for principal structures, from the western and northern perimeter boundaries of the HPOD, and a rear yard of at least twenty feet (20 ft.) shall be provided for principal structures from the eastern perimeter boundary.
- d. Additional Setback. No building or structure shall be located closer than eight feet (8 ft.) to a private road. There shall also be a clear strip of land located no closer than eight feet (8 ft.) to the right-of-way upon which no building, structure, sign or any other improvement shall be erected with the exception of the following:
 - i. Driveways for ingress and egress and parking of vehicles.
 - ii. Signs not over four square feet (4 sq. ft.) for direction of traffic only.
 - iii. Plantings no higher than three feet (3 ft.) above road grade.
 - iv. Trees, except that branches shall not interfere with the paved portion of the road and shall be trimmed to a height of fifteen feet (15 ft.) from the ground.
 - v. Utility easements for the erection of public utility poles, hydrants and similar items.
 - vi. Sidewalks.
 - vii. Bike Paths.
 - viii. Patios not exceeding ground level elevation, plus or minus eight inches (8 in.).
- d. Fencing. A 6-foot high vinyl fence with 100% opacity shall be provided along the eastern, northern and western perimeter boundaries of the HPOD..

5) Buildings.

- a. Maximum Tract Coverage. The ground area occupied by all the buildings, structures, sidewalks and all other impervious surfaces shall not exceed in the aggregate sixty-five percent (65%) of the total area of the tract.
- b. Building Height.
 - i. Single Family Dwellings. Single Family dwelling units shall not exceed two (2) stories as measured from the elevation of the paved road in front of the structure, and shall not exceed thirty-eight feet (35 ft.) in height as measured from the elevation of the paved road in front of the

structure. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements and design enhancements may exceed these height limitations by no more than eight feet (8 ft.).

- ii. All Other Principal Structures. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements shall not exceed the height limitation in b.i. above.
 - c. Building Dimensions. Buildings may contain such floor area as is approved in the Development Plan and in accordance with Section 450.07.6.
 - d. The use of environmentally conscious construction standards, such as the use of Leadership in Energy & Environmental Design (LEED) standards, on structures built in the HPOD is encouraged by the Township, but not required.
- 6) Architectural Standards. Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same design elements on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall apply to structures for:
- a. Single Family Dwellings
 - i. Design Elements. The architectural style and design of single family dwellings shall create harmony throughout the area in which they are built, but should not limit the creativity of the architect, landscape architect and developer. All materials used to construct buildings within the HPOD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 450.08.6.ii. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the HPOD by this Article IV and the surrounding Henderson area.
 - ii. Materials. The exterior elevations of all proposed buildings shall utilize any or any combination of all of the following natural materials:
 - 1. Wood;
 - 2. Brick or brick veneer;
 - 3. Native or cultured stone;
 - 4. Stucco;
 - 5. Cementitious siding (such as HardiPlank or similar) and/or composite siding (such as SmartSide or similar);

6. Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.
 7. The above material requirements shall not be applicable to vinyl soffits, fascia windows, downspouts, gutters, window glazing and reveals, as well as hardware and similar accents.
- iii. Façade Appearance. A building wall for all proposed single-family dwellings within the HPOD that exceeds a width of twelve feet (12 ft.) in a single plane shall incorporate sectioning and design elements that offset the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such design elements shall include:
1. A door measuring at least twenty square feet (20 sq. ft.) in area;
 2. A window of at least six square feet (6 sq. ft.) in area. Windows closer than three feet (3 ft.) shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element;
 3. A gabled vent of at least four square feet (4 sq. ft.) in area;
 4. Porches, decks, or similar structures that create the illusion of a porch, deck, or window balcony; or
 5. A similar significant permanent architectural feature consistent with the style of the building upon approval of the Zoning Commission, as applicable;
 6. Roofing. All roofs shall be pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.
- 7) Exterior Lighting. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. The Exterior Lighting Plan is subject to Article V, Section 527 of the Zoning Resolution and the following requirements:
- a. All external lighting shall be decorative or cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth foot candles (0.1 fc) when adjacent to a residential zoning district or an existing residential use.
 - b. All landscape uplight fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.

- c. No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.
- 8) Signage. A detailed Signage Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Graphics and Signage in the HPOD shall conform to Article V, Section 541 of the Zoning Resolution or as approved by the Zoning Commission.
- 9) Landscaping. A conceptual landscape plan shall be presented for review and approval in conjunction with the initial application of the HPOD to the site. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All yard areas and Open Spaces shall be landscaped in accordance with the approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:
 - a. Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas; provided, however, that all front yards shall have sod and seed shall only be allowed in other areas where the lot is served by an irrigation system. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept sodded and maintained in such a manner as to prevent erosion of the property and excess drainage.
 - b. Plants. All plants shall meet or exceed the then current version of the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.
 - c. Maintenance. All trees and landscaping shall be well maintained by a Condominium Owners' Association, or by a similar entity. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six months (6 mos.) or the next planting season, whichever is sooner. The condominium documents may provide that limited landscaped areas immediately adjacent around each home or patio/porch shall be maintained by the occupant.
 - d. Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees, recognizing the need for foundation and underground utility placement. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- 10) Traffic Circulation, Parking and Loading. A Traffic Circulation and Parking Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Parking on a private street

shall be permitted only where designated on the approved Development Plan. Where such parking is not permitted, “no parking” signs shall be appropriately placed and shall be maintained by the condominium association. In preparing the Parking and Loading Plan, all parking and loading areas shall conform with Article V, Section 531 of the Zoning Resolution and the following provisions:

- a. Minimum Parking Space Requirements. All parking spaces shall be not less than nine feet (9 ft.) wide and eighteen feet (18 ft.) long.
 - b. Common Parking Location. No common or shared parking area shall be located closer than twelve feet (12 ft.) to any principal residential structure.
 - c. Driveways. Driveways shall be set back no less than no less than three feet (3 ft.) from side and rear property lines. Location of Driveways that connect to a public road shall be reviewed and approved by the appropriate governing agency.
 - d. Minimum Number of Parking Spaces Required. For single-family dwelling units, a minimum of three (3) parking spaces for each dwelling unit is required. This may include both garage and driveway parking, provided that each garage shall have space to park at least two automobiles.
 - e. Private Road Construction. No certificate of zoning compliance shall be issued in the HPOD until the private road has had an asphalt binder installed.
 - f. Loading Areas. All loading areas shall be screened from view by landscape planting (which provides one hundred percent (100%) opacity), or walls and fences at least six (6), but not more than twelve (12), feet in height. All walls and fences used for screening shall be constructed of materials permitted by Section 448.08.6.ii of this Resolution.
- 11) Open Space. A minimum of twenty percent (20%) of the total HPOD acreage shall remain and be utilized as Open Space. Open Space shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open Space features may include, but are not limited to forested and landscaped areas not included in a yard requirement, water impoundments and similar features. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.

The responsibility for the maintenance of all Open Space shall be specified by the applicant in writing within the Development Plan. Open Space shall be owned by a Condominium Owners’ Association, or by a similar entity, or may remain in private ownership if appropriately restricted.

- 12) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located either inside of garages, at the rear of the dwelling or at the side of the dwelling if the side is not oriented towards an existing or planned rights-of-way or private roads. Trash and garbage receptacles, when placed

outside of the garage, shall be screened so that they are not visible from Henderson Road, the private road, or from adjacent homes

- 13) Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping.
- 14) Stormwater Basins. All stormwater basins shall be owned and maintained by a Homeowners Association. All wet stormwater basins shall include aeration devices. All dry stormwater basins shall be landscaped appropriately as determined by the Zoning Commission. Bioretention basins, or rain gardens, may be used only when approved by the Zoning Commission as part of the Development Plan. All stormwater basins shall be constructed per the requirements of the Ohio Department of Natural Resources Rainwater and Land Development Handbook and any applicable standards adopted by the Franklin County Engineer.
- 15) Supplemental Conditions and Safeguards. The Zoning Commission may impose additional conditions relating to the Development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.
- 16) Other Requirements. Unless specifically included or modified under this Section 450 or those standards approved by divergence, the general development standards found in Article V of the Zoning Resolution shall apply.
- 17) Sidewalk. A 4-foot wide sidewalk shall be provided on all sides of the private road.

III. Definitions

The following definitions shall be inserted in alphabetical order in Article VII, Section 720.

1. Floor Area -
 - a. Residential - the square foot area of a building at all finished levels above grade, within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, and unfinished attics.
2. High Water Mark - the point on a stream bank to which the presence and action of surface water is so continuous as to leave a district marked by erosion. High water marks are delineated by the Franklin Soil and Water Conservation District and the Ohio Department of Natural Resources.
3. Landscape Uplight Fixture – a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

4. Lot – a unit of real estate designated as a “lot” by a plat of record, a subdivision of record, or as otherwise created or existing by law. A lot is a parcel and is a tract.
5. Lot Coverage – the ratio of the quantity of horizontal space (area) occupied by impervious structures or surfaces of any type on a lot or parcel to the total area of the lot or parcel, expressed as percentages.
6. On-Street Parking – striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.
7. Parking Aisle – the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.
8. Parking Bay – a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.
9. Perennial Stream Channel – a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.
10. Private Road - a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.
11. Public Road - any road or street under the jurisdiction of and maintained by a public authority and open to public travel.
12. Road Frontage – the lineal amount of land adjacent to a public or private road.