

ARTICLE XI - PLANNED RESIDENTIAL DISTRICT

Section 11.01 - PURPOSE: The Township, recognizing that with increased residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residential District (PRD) intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Concord Township.

Section 11.02 - APPLICATION: The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a zoning map amendment to Planned Residential District (PRD). An owner of the land in the township that is served by centralized water and sanitary sewer may submit an application of change to Planned Residential District (PRD) zoning under the provisions of this Article. The action of the Township upon an application processed pursuant to this section shall be considered a legislative act, subject to referendum.

Section 11.03 - PERMITTED USES: Within the Planned Residential District (PRD), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures may be either single family or multi-family.
- b) Nonresidential 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 the major thoroughfares as to permit access without burdening residential streets.
- c) Public or Private golf courses, country clubs, fishing lakes or similar recreational uses with all buildings and club houses incident thereto including restaurant to serve members and/or users of the facility.
- d) Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incident 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 shall be valid for six (6) months and may be renewed not more than twice. 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 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 no later than ten (10) days after expiration of said permit.

Section 11.04 - CONDITIONAL USES: Within the ~~Planned Residential District (PRD)RD zoning district~~, the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are 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 his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

a) Customary Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling are subject to the requirements of Section 21.12.

~~b) Group homes or residential care facilities in which not more than six (6) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall have all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:~~

~~1) The facility shall comply with Section 11.07, Development Standards.~~

~~2) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.~~

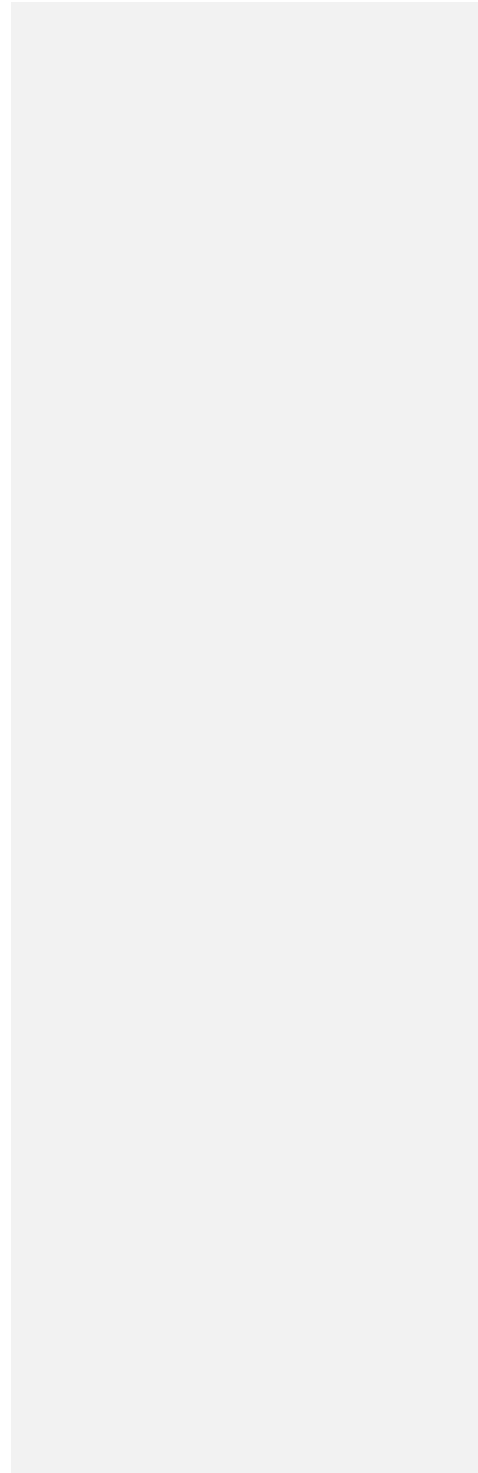
~~3) No Group Home should be located within a one (1) mile radius of another such facility.~~

e)b) Model Homes, 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, 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) Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.
- 2) Lighting: All exterior lighting must be downlighting, so that 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 model home.
- 3) 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.

- 4) Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscape 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 the public.
- 5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent of the lots therein.



Section 11.05- PROHIBITED USES:

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of inoperable or unlicensed motor vehicles 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 motor home, trailer, camper, boat nor equipment of any type shall be parked in front of the front building line on any lot 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 Resolution, or the restrictions in the plat, deed, or development plan.
- 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. No more than one motor home, trailer, or camper may be occupied for such a period on any lot of record.
- e) Except as specifically permitted in Section 11.03 (d), no manufactured/mobile home shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code of Ohio and designed for placement on a permanent foundation are acceptable.
- f) Agricultural activities as prohibited in Section 6.02 of this Resolution.
- g) 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.

Section 11.06 – PROCEDURE.

a) General.

- 1) In addition to any other procedures set forth in this Resolution, all applications for amendments to the zoning map to rezone lots to the Planned Residential District (PRD) shall follow the procedures set forth in this section.
- 2) The owner or owners of lots within the Township may request that the zoning map be amended to include such lots in the Planned Residential District (PRD) in accordance with the provisions of this Resolution.
- 3) Any applicant is encouraged to engage in informal consultations with Township zoning staff prior to formal submission of an application pursuant to this Section with the acknowledgement that no statement by Township zoning staff shall be binding upon either the applicant or the Township.

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b) Application Procedure / Hearing.

- 1) Pursuant to Section 519.12 of the Ohio Revised Code, an applicant shall submit an application to the Township Zoning Commission by submitting the same to the Township zoning secretary on one or more forms adopted by the Township Trustees for such purpose.
- 2) The application submitted to the Township zoning secretary shall contain full and complete copies of all information identified in the application form(s) and shall be accompanied by any application fees required by the application form(s). The application and the information supplied with the application pursuant to this Section may also be collectively referred to in the Zoning Resolution as the "Development Plan" or "development plan".
- 3) Upon receipt of an application, the Township zoning secretary shall notify the Township Zoning Commission chairman of the receipt of such application, and the Township Zoning Commission chairman shall schedule a review of such application by the Township Zoning Commission at the next regularly scheduled meeting of the Township Zoning Commission.
- 4) At the next regularly scheduled Township Zoning Commission meeting after the receipt of an application submitted to the Township zoning secretary pursuant to this section, the Township Zoning Commission shall review any applications submitted pursuant to this section to determine if such applications are complete.
- 5) If an application is determined to be complete by the Township Zoning Commission pursuant to this section, the application shall be deemed filed with the Township Zoning Commission for purposes of Ohio Revised Code §519.12(A)(1) as of the date of the Township Zoning Commission's determination that the application is complete.
- 6) Once an application is determined to be filed by the Township Zoning Commission, the Township Zoning Commission shall notify the applicant that the application has been determined to be filed, and the Township Zoning Commission and other Township reviewing authorities shall take all actions required of them by Ohio Revised Code §519.12 related to applications for rezoning.
- 7) If an application is determined to be incomplete by the Township Zoning Commission pursuant to this section, the Township Zoning Commission shall notify the applicant in writing that the application is incomplete and identify what portions of the application are incomplete.

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~~Section 11.06 – PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lots to this PRD district shall follow the procedures hereinafter set forth:~~

~~a) Application The owner or owners of lots within the Township may request that the zoning map be amended to include such lots in the Planned Residential District in accordance with the provisions of this Resolution.~~

~~The applicant is encouraged to engage in informal consultations with the Zoning Commission prior to formal submission of a development plan and request an amendment of the zoning map, understanding that no statement by officials of the Township shall be binding upon either.~~

~~b) Development Plan Fifteen (15) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and drawing form the following:~~

~~1) The proposed boundaries, size and location of the Planned Residential District drawn to scale.~~

~~2) The general development character of the lot including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements, structure location, and other development features.~~

~~3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.~~

~~4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.~~

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~~5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically.~~

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~~6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. Include a list of owners and addresses whose property is contiguous to and directly across from the applicant's property according to the most recent County Auditor's tax list.~~

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~~7) The proposed size, location, and use of nonresidential portions of the lot including usable open areas, parks, paths, school sites, and other areas with their suggested ownership.~~

~~8) A landscape plan in compliance with Section 11.09 of Article XI. In addition to the landscape plan, the applicant shall also provide a written proposed timeframe for implementation of the landscape plan after approval of the development plan so as to provide township officials with definitive guidelines as to when the landscape plan shall be completed.~~

~~9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.~~

~~10) If the proposed timetable for development includes developing the land in phases, all phases to be 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.~~

~~11) The ability of the applicant to carry forth the proposed development plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.~~

~~12) Specific statements of divergence from the development standards in Article XXI, Section 11.07 of Article XI or existing county regulations or standards and the justification therefor. Unless a divergence from these development standards is specifically approved, the same shall apply to any approved development plan.~~

~~13) Evidence of the applicant's ability to post a bond if the plan is approved ensuring completion of public service facilities to be constructed within the project by the developer.~~

c) Criteria for Approval - In approving an application for a Planned Residential District (PRD), the reviewing authority shall determine:

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1) If the proposed development is consistent in all respects with the purpose, intent, and general standards of this Zoning Resolution.

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2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

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3) If the proposed development advances the general welfare of the township and the immediate vicinity.

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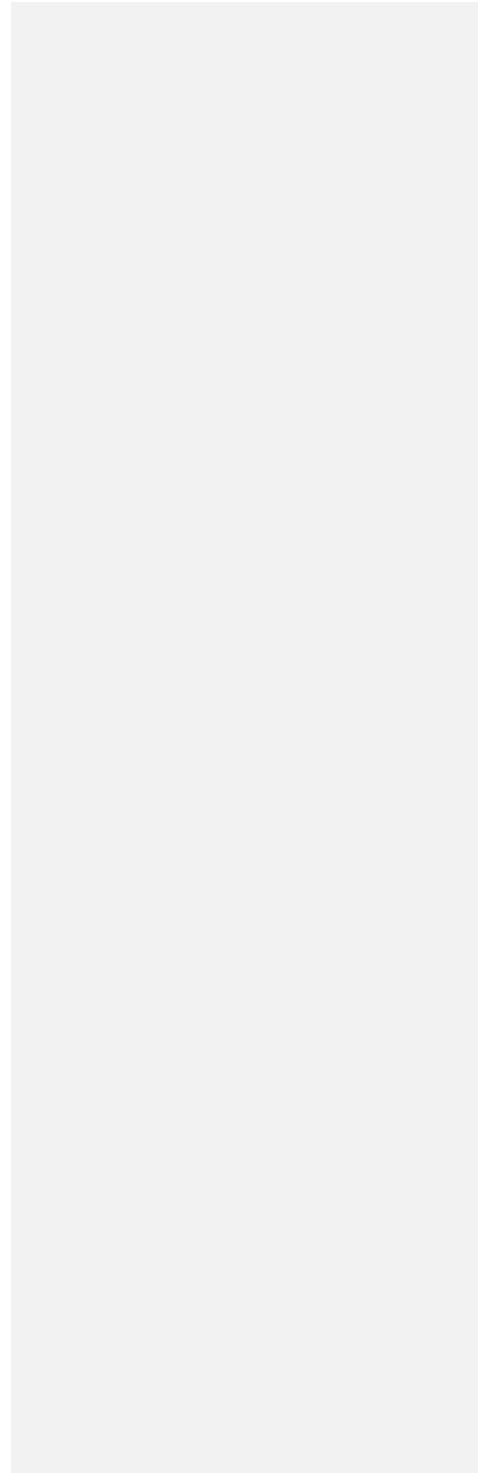
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a) ~~(d) Effect of Approval~~ - The ~~application~~Development Plan as recommended for

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approval by the Zoning Commission and approved by the Township Trustees shall constitute a an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be .



b) ~~for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.~~

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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 ~~application development plan. If the applicant has failed to file and have recorded any plats for the approved application. Unless the required plats are properly recorded and or physical work on the approved said development has not commenced within three (3) years of the date of approval of the application, the approval of the application shall be voided and the land shall automatically revert to the previous District unless an the application for time extension is timely submitted and approved.~~

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e) ~~e). Extension of Time or Modification - An extension of the time limit or a modification of the approved application development plan may be approved by the Zoning Commission and the Township Trustees. Such approval shall be given only upon a finding of (1) the purpose and necessity for such change or extension that is not unreasonably inconsistent with the original approval of the application. (2) and evidence of reasonable effort toward the accomplishment of the original development as documented in the approved application plan, and (3) no conflict that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district caused by the proposed extension or modification. No extension of time or modification shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 11.06(d) as hereinbefore set forth.~~

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f) Site Plans Required - In the Planned Residential District (PRD), 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 shall be in accord with the approved ~~application development plan~~ and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way; 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 lot to be developed for nonresidential 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 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.

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- g) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector or his/her designated technical advisors for administrative review to ensure substantial compliance with the application as approved. The Board of Trustees may, from time to time, establish fees to be deposited for each administrative review in order to defray the costs associated with such review.

Section 11.07 - DEVELOPMENT STANDARDS: In addition to any other provisions of this Resolution, the following standards for arrangement and development of lands and buildings are required in the Planned Residential District (PRD):

- a) Intensity of Use - The maximum density shall be one and one-half (1 ½) dwelling units per gross acre within the area to be developed, unless a divergence is approved ~~in accordance with Section 11.06 of this Article.~~
- b) Arrangement of Structures -
- 1) Setback Line - The physical relationship of buildings and uses and their minimum yard spaces shall be developed in compliance with the approved application plan and the provisions of Article XXI unless a divergence variance is approved.
 - 2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.
 - 3) Structure Separation - No structure shall be located closer than twenty (20) feet to another structure and shall be measured from the greater of roof overhangs, cantilevers of the structure, generators, egress window wells and all other structures attached to a primary residence.
- c) Building Dimension (Floor space requirements) - Each single family dwelling hereafter erected in this district shall have the following living area based upon the design of the structure:

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| Ranch / Single Story Dwelling with No Loft | 1,500 square feet |
| Single-Story Dwelling with Loft | 1,500 square feet |
| Two-Story Dwelling | 2,000 square feet |

Any other design of dwelling not referenced herein shall have a living area not less than one thousand five hundred square feet (1,500) square feet. All such living areas shall be exclusive of basements, porches or garages.

All multi-family buildings constructed within this district shall contain the following minimum living area, to-wit:

| | |
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| One (1) bedroom | 800 square feet |
| Two (2) bedroom | 950 square feet |
| Three (3) or more bedrooms | 1,000 square feet |

- d) Landscape - All proposed developments within the Planned Residential District (PRD) shall comply with the Concord Township Planned Residential District Landscape Standards incorporated in Section 11.09.
- e) Building Materials - All residential structures proposed in this district shall incorporate natural finishes or synthetic materials as approved by the Zoning Commission and/or the Board of Trustees. Any approved materials must be incorporated on the final approved application.
- f) Multi-Use Paths - All developments in this district must incorporate multi-use paths with a minimum width of eight (8) feet and shall, to the extent reasonably possible, connect with other multi-use paths and/or sidewalks on adjacent properties.
- g) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6) percent shall be maintained.
- 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 ~~approved application~~development plan. In preparing and approving the parking plan, provisions of Article XXI shall be incorporated when appropriate.
- i) Signs- Except as provided under the provisions of this article for home occupations or as controlled by Article XXII and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent" or "For Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on either side.

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 sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or lot for sale.

- j) Construction and Maintenance of Improvements Within Right-of-Way - Unless otherwise specifically required by applicable law, the construction and maintenance of all

improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.

- k) Special Additional Conditions - The Township Zoning Commission may recommend and the Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscape; development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
- l) Exterior Lighting - All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
- m) Performance Standards - All uses within the Planned Residential District (PRD) shall be in compliance with the provisions of Article XXI, Section 21.11.
- n) Accessory Building - No part of any accessory building shall be located in the front yard.
- o) Curbs and Base Coat - Curbs and base coat of an approved ODOT material of rolled, compacted concrete (RCC) or asphalt material shall be in place before zoning permits will be issued by the township.

Section 11.08 - EXTENSION OF TIME/MODIFICATION OF FINAL DEVELOPMENT

PLAN:

- a) — An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for preliminary or final development plan application may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
- b) — Proposed variations from the approved development plan application that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to Article XXVIII Section 28.05 of the Zoning Resolution.
- c) A request for minor changes to the approved application-final development plans shall be submitted to the Zoning Inspector for recommendations to the Board of Trustees, who will have final approval of all minor changes to the approved application-final development plans.
- d) — In the case of a request for a modification or amendment to the approved application final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of development plan approval as the original application. The following shall be considered substantial departures from the original application.

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- 1) A change in the use or character of the development;
- 2) An increase or decrease in overall lot coverage of structures and off-street parking;
- 3) An increase or decrease in the density;
- 4) A reduction in approved open space;
- 5) A reduction of off street parking and loading space;
- 6) A reduction in required pavement widths;
- 7) A reduction of the acreage in the planned development;
- 8) Any other departure from the approved application development plan which is deemed substantial by the Zoning Commission.