

**Violet Township  
Zoning Amendment  
# 03-ZC-2022  
Date: May 17, 2022**

Violet Township Zoning Resolution  
Text Amendment

**1. Section 3D PCOD Planned 33 Corridor Overlay District**

*Section 3D PCOD Planned 33 Corridor Overlay District shall be amended by revising and replacing that Section with the following:*

**3D PCOD - Planned 33 Corridor Overlay District**

**3D-01 Purpose**

The PCOD 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 commercial and light industrial development. The PCOD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- Permanently preserves unique or sensitive natural resources and integrates open space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for a mix of open space, commercial and light industrial uses not otherwise permitted within the standard zoning district classifications.
- 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.
- Assures compatibility between proposed land uses within and around the PCOD through appropriate development controls.
- Enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

**3D-02 Overlay Area Established**

The PCOD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the PCOD the area shown on the PCOD 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 PCOD as part of this amendment. The existing zoning regulations and districts for such area shall continue to apply to all property within the PCOD unless the Violet Township Board of

Trustees approves an application of an owner of property to subject the owner's property to the provisions of the PCOD. Such an application shall be made in accordance with the provisions of Section 3D of the Violet Township Zoning Code and shall include a Development Plan in compliance with the provisions of Section 3D. Upon receiving such an application and development plan, if the Violet Township Board of Trustees determines that the application and Development Plan comply with the provisions of Section 3D and approves the application, the Violet Township Board of Trustees 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 PCOD and subject to the regulations there under. 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 Violet Township Zoning Code.

### **3D-03 PCOD Requirements**

- (A) Minimum Development Tract Size. The parent tract or tracts of a PCOD development must be at least ~~ten-two~~ (102) contiguous and unified acres in size, exclusive of right-of-way.
- (B) Permitted Uses. Within the PCOD, only those uses permitted in the C-2, C-3, M-1 and M-2 Zoning Districts and which are not otherwise prohibited may be requested to be permitted. The precise use to be included in the proposed PCOD shall be clearly specified in the Development Plan.
- (C) Open Space. At least 15% of the development tract, excluding rights-of-way, shall remain as open space that is unified and permanently protected.
- ~~(D)~~ Condition of Approval. ~~Unless otherwise excluded by resolution approved by the Board of Trustees, no real property located in a PCOD shall be included in an Application and Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code (a "JEDD") and in which Violet Township is a contracting party.~~
- ~~(E)~~ Prohibited Uses. Within the PCOD, the following uses shall be prohibited:
  - (1) Uses not specifically approved by the Board of Trustees as part of the Development Plan.
  - (2) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or repair activity if such activities are carried out in compliance with the approved Development Plan.
  - (3) 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 front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the

front wall of the structure, even if said structure is located behind the minimum building line established by the Development Plan.

- (4) Except as specifically permitted in the approved Development Plan, no manufactured home, mobile home, or mobile office structure shall be placed or occupied in this district.
- (5) Sales trailers of any type.
- (6) Sexually Oriented Businesses as defined in Section 3AA2-07(A)(11)(c).
- (7) Stand-alone car wash facilities, self-service storage facilities, pawn shops, check cashing or short term loan establishments as a primary use, tattoo parlors, and skill game establishments.
- (8) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

### **3D-04 Review Process and Procedure**

All applications to submit property to the PCOD regulations shall follow the procedures hereinafter set forth:

- (A) Preapplication Meeting. The applicant is encouraged to engage in informal consultations with staff from the Township and the Fairfield County Regional Planning Commission prior to formal submission of an application for approval of a Development Plan. No statement or action by Township or County officials 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.
- (B) Application and Development Plan. The applicant shall prepare and submit a formal application and Development Plan, with ten (10) hard copies, along with an electronic copy and any and all applicable fees to the Violet Township Board of Trustees. The application shall be signed by the Applicant and all owners of the property. The Violet Township Board of Trustees may request that any County agency and/or any committee of the Fairfield County Regional Planning Commission 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:

- (1) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.

- (2) A grading plan drawn to scale, showing all information pertaining to surface drainage.
- (3) A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, 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.
- (4) A detailed Signage and Exterior Lighting Plan.
- (5) An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the required open space. The location, size and proposed use(s) of all open space areas shall be detailed.
- (6) A preliminary traffic impact analysis by a licensed traffic engineer, showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

(C) Development Plan Contents. The Development Plan shall be drawn to a scale of at least one-inch equals 100 feet and shall include in text and map form the following:

- (1) Proposed name of the development and its location.
- (2) Names and addresses of applicant, owners and developers.
- (3) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale.
- (4) A list, description and location of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated in the C-2, C-3, M-1 and M-2 Districts, except where they are specifically defined or limited in this Zoning Code. 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 shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- (5) Boundary lines of the proposed development and the total acreage encompassed therein.
- (6) 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 adjacent to the tract.

- (7) 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.
- (8) The adjoining lines of adjacent tracts, parcels or lots.
- (9) Existing zoning restrictions and deed restrictions, if any.
- (10) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features.
- (11) Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
- (12) Layout, numbering and dimensions of lots if more than one.
- (13) Layout, location, dimensions and architectural features of proposed structures.
- (14) 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.
- (15) Building setback lines with dimensions.
- (16) Proposed street grades and sewer size slope.
- (17) Detailed Off-Street Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.
- (18) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Board of Trustees.
- (19) Preliminary drawings for buildings to be constructed, including floor plans, exterior elevations and sections.
- (20) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used.

- (21) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
- (22) Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.
- (23) Accommodations and access for emergency and fire-fighting apparatus.
- (24) Location, type, dimensions and features of all signage and exterior lighting.
- (25) Evidence that the applicant has made efforts to preserve and retain existing natural features on the land including, but not limited to, woodlands, natural foliage, waterways, and/or wetlands. It is recommended that these efforts include a plan for the installation and maintenance of adequate signage indicating the natural features.
- ~~(2526)~~ The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
- ~~(2627)~~ The applicant may request a divergence from the development standards set forth in Section 3D. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore for each requested divergence 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 3D and the General Development Standards applicable to all zoning districts, as set forth in the Violet Township Zoning Code.
- In considering requests for divergences, the Zoning Commission and Board of Trustees may evaluate the persuasive value of any and all justifications and information presented, both in favor of and against the justification for any divergence, regarding such requests. Requests for divergences are considered on a case-specific basis and may be granted in the sole discretion of the Board of Trustees. Except as required under applicable law, the granting of a divergence is not binding precedent in a future, unrelated application.
- ~~(2728)~~ The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- ~~(2829)~~ Other information, as may be required by the Violet Township Board of Trustees, in order to determine compliance with this Zoning Code.
- ~~(2930)~~ 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.

- (D) Board of Trustees Action. After receipt of the completed application materials and required fees, the Board of Trustees shall schedule a public hearing within forty-five (45) days after the filing of the complete application and shall give the applicant along with any adjoining property owner(s) written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular mail. The Board of Trustees shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.
- (E) Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:
- (1) If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.
  - (2) If the proposed plan meets all of the design features required in this Code.
  - (3) If the proposed development is in keeping with the existing land use character and physical development potential of the area.
  - (4) If the proposed development will be compatible in use and appearance with surrounding land uses.
  - (5) If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
  - (6) If the proposed development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.
  - (7) 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 opening of the PCOD without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
  - (8) If the proposed development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township.
  - (9) Such other considerations which may be deemed relevant by the Board of Trustees.



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

- (F) Development Plan Approval Period. The approval of the Development Plan shall be effective for a period of ~~five-two~~ (25) years (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 certificate of zoning compliance. If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.
- (G) Plat Required. No zoning certificate shall be issued for any structure in any portion of a PCOD for which a plat is required by the Fairfield County Regional Planning Commission unless the final subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Fairfield County Recorder.
- (H) Extension of Time/Modification of Development Plan.
- (1) An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Board of Trustees upon application of the owner(s), provided the Board of Trustees 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 Board of Trustees. A request for extension shall be filed prior to the expiration of the established approval period.
  - (2) A request for minor changes, as determined by the Board of Trustees, to the Development Plan may be approved by the Board of Trustees without being subject to the same procedures as the original application. Any approval may be with such amendments, conditions or modifications as the Board of Trustees may determine.
  - (3) In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, as determined by the Board of Trustees, 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:

- (a) A change in the use or character of the development.
- (b) An increase in overall lot coverage of structures and off-street parking.
- (c) An increase in the size of any building.
- (ed) An increase in the problems of traffic circulation or public utilities.
- (de) A reduction in approved open space.
- (ef) A reduction in off street parking and loading space.
- (fg) A reduction in specified pavement widths.
- (gh) A reduction of the acreage in the planned development.
- (hi) Any other departure from the approved Development Plan which is deemed substantial by the Board of Trustees.

Any approval of such request may be with such amendments, conditions, or modifications as the Board of Trustees may determine.

- (I) 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 Violet 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 Board of Trustees shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Board of Trustees 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 Board of Trustees 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 Board of Trustees 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 Board of Trustees shall consider the reasonable commercial rates of qualified professionals.

### **3D-05 Design Standards**

The proposed development shall be designed in accordance with accepted planning principles, including the design standards included 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 set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Development Plan shall comply with the following design standards:

- (A) Access. The PCOD development shall have direct access to one or more dedicated and improved public roads of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Fairfield County Regional Planning Commission shall be provided. Unless otherwise provided by an approved development plan, vehicular connectivity shall be provided between adjacent commercial uses through the use of cross-access easements between parking lots.
- (B) Setbacks and Yard Areas. The location and arrangements of buildings and structures within the PCOD shall be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. The development should be accomplished as a commercial park with campus like settings that have large lots with ample amounts of landscaping and vegetation to create an attractive economic center for the Township and the surrounding area.
- (C) Perimeter Area. When located contiguous to a residential district (R-1, R-2, R-3, R-7, R-8 or PD), no building shall be constructed within fifty (50) feet of the perimeter property line of the contiguous property, and no parking shall be constructed closer than fifty (50) feet to a contiguous property line.
- (D) 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 within the development and adjacent to it. 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.

- (E) Building Size. Building size shall be limited in areas not conducive to absorbing the impacts associated with larger types of commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. Buildings may contain such area of floor space as is approved in the Development Plan.
- (F) Tract Coverage. Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.
- (G) Lighting. Exterior building and parking lot lighting 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.
- (H) Signage. All signs and graphics within the PCOD shall be compatible in size, location, material, height, shape, color, and illumination. A Signage Plan for the entire PCOD shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PCOD, but do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the buildings materials and colors.
- (I) Landscaping. All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. 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 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 in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The Landscape Plan shall show the caliber, 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. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and

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. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.

- (J) Parking and Loading Areas. Off street parking shall be provided prior to receipt of a final certificate of occupancy from the Township for the main structure or building, with adequate provisions for ingress and egress. A detailed Off-Street Parking and Loading Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas shall be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed, located and, in certain instances, screened to protect the character of the area as well as those areas adjacent to the development.
- (K) Open Space. Open spaces shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
- (L) 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 (50) feet 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 (25) feet as measured from any tributary stream 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 (25) feet, 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. A Flood Hazard Permit will be required from the Fairfield County Regional Planning Commission if development takes place within a FEMA flood hazard area.

- (M) Utilities. Centralized water supply and sanitary sewage disposal systems and storm water management shall be provided, subject to the Fairfield County Sanitary Engineer, Fairfield County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines shall be located underground.
- (N) 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.
- (O) 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.
- (P) Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- (Q) 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.
- (R) 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.
- (S) 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 discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.
- (T) 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.

### **3D-06 Minimum Development Standards**

The Development Plan shall comply with the following development standards:

- (A) Lot Area. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards.
- (B) Intensity of Use. All buildings shall be erected on continuous, 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. All office, retail and manufacturing activities and all storage, handling and warehousing of products shall be completely enclosed within buildings.
- (C) Setbacks and Yard Areas.
  - (1) Frontage. Lots shall front upon and have access to an improved, public road. Outlots may be located on an improved, public or private street. Such road frontage shall be no less than one hundred twenty-five (125) feet.
  - (2) Minimum Side Yard. A side yard shall be provided which equals one-third (1/3) the sum of the height and width of the structure, but in no case less than fifty (50) feet and no more than one hundred fifty (150) feet from any residential zoning district.
  - (3) Minimum Rear Yard. A rear yard shall be provided which equals one-third (1/3) the sum of the height and width of the structure, but in no case less than fifty (50) feet and no more than one hundred fifty (150) feet from any residential zoning district.
  - (4) Additional Setback. Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the edge of the right-of-way, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided with the exception of the following:
    - (a) Driveways for ingress and egress.
    - (b) Floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road.
    - (c) Signs not over four (4) square feet for direction of traffic only.
    - (d) Plantings no higher than three (3) feet above road grade.
    - (e) Trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet.

- (f) Utility easements for the erection of public utility poles, hydrants and similar items.
- (g) Sidewalks.

(D) Buildings.

- (1) Maximum Tract Coverage. The ground area occupied by all the buildings and structures shall not exceed in the aggregate forty-five percent (45%) of the total area of the tract. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas and sidewalks shall not exceed in the aggregate seventy-five percent (75%) of the total area of the tract.
- (2) Building Height. No building or structure constructed for industrial purposes shall exceed thirty (30) feet in height. No building or structure for any other permitted use shall exceed three (3) stories in height. Height shall be measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Architectural elements such as chimneys, parapets, and cupolas may exceed this height limitation by no more than ten (10) feet.
- (3) Building Dimensions. Buildings may contain such area of floor space as is approved in the Development Plan.
- (4) The use of environmentally conscious construction standards, such as Leadership in Environmental Energy and Design “LEED”, on structures built in the PCOD district is encouraged by the Township, but not required.

(E) Architectural Standards. Buildings shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish 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:

- (1) Commercial and Office Uses.
  - (a) Design Elements. For every one hundred (100) feet of elevation width, each side and rear elevation must contain two (2) design elements and each front elevation must contain at least three (3) design elements. Typical design elements are as follows:
    - (i) A door of at least twenty-eight (28) square feet in area with an awning, window, faux window or other feature subject to approval by the Board of Trustees, as applicable;
    - (ii) A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1)



element. A set of adjacent windows, such as double or bay windows, shall be considered one element;

- (iii) A chimney;
- (iv) A gabled vent of at least four (4) square feet in area;
- (v) Porches, decks or similar structures; or
- (vi) A similar significant permanent architectural feature consistent with the style of the building upon approval of the Board of Trustees as applicable.

- (b) Facade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of black wall and add interest to the façade.
- (c) Materials. All exterior walls shall be comprised of eighty (80) percent natural material with brick or stone as the predominant material. Other natural materials may also be incorporated into the building's exterior design. Use of "newer" materials may be acceptable per the approval of the Board of Trustees, as applicable. Stucco, Drivit, and like materials may be used as accents provided the total square footage of accent material does not exceed forty-five (45) percent of the gross exterior building wall square footage.
- (d) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the board of Trustees, as applicable.
- (e) Roofing. All pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.
- (f) Drive Thru Features. A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.
- (g) In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards of the PCOD if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary

elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.

(2) Industrial Uses.

- (a) Façade. Sides of building visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof.
- (b) Use of Color. Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
- (c) Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the Board of Trustees, as applicable.
- (d) Pole Building Prohibited. All buildings shall be constructed on a continuous, permanent foundation, Pole buildings shall not be permitted.

(F) 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 the following restrictions:

- (1) Site lighting shall be required for all developments and be designed to sufficiently illuminate the site and minimize spillover from the property.
- (2) Light pole heights should be in harmony with the parcel, building and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source type and style.
- (3) For non-residential uses, parking lots with thirty (30) or less spaces shall have a maximum lighting pole height of eighteen (18) feet and parking lots with more than thirty (30) spaces shall have a maximum lighting pole height of thirty (30) feet.
- (4) Building, pedestrian and landscape lighting may be incandescent, metal halide or other sustainable lighting as determined by the Board of Trustees, as applicable.
- (5) All parking lot areas shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one (1) foot candle and three (3) foot candles.

- (6) 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 (0.1) foot candles when adjacent to a residential district or an existing residential use.
  - (7) Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.
  - (8) All landscape uplight fixtures shall be screened by landscaping and cut-off in design.
  - (9) No permanent colored lights or neon lights shall be used on the exterior of the buildings.
  - (10) External building lighting shall be limited to wall mounted sconces.
- (G) 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 PCOD shall conform to the following requirements:
- (1) No signs shall be mounted within any public right-of-way except by the government agencies having jurisdiction over and within that right-of-way.
  - (2) No sign shall obstruct pedestrian or vehicular visibility or otherwise interfere with the safe operation of motor vehicles or the safety of pedestrians.
  - (3) All freestanding signs (ground mounted or pole) shall be located in a landscaped area with a total landscaped area equal to or greater than the total sign area or as proscribed within these regulations. See Section 3D-06(H) for types of landscape materials permitted in the PCOD.
  - (4) Backlighting of individual letters on wall mounted signage shall be permitted.
  - (5) All signage and graphics shall be carefully coordinated with the building and architecture.
  - (6) No signs shall be painted directly on the surface of the building, wall or fence. No wall murals shall be allowed.
  - (7) No roof signs or parapets signs shall be permitted nor shall a sign extend higher than the building.

- (8) Entry and exit driveway signs shall be limited to a maximum height of three (3) feet and a maximum area of two and one-half (2 ½) square feet per side.
- (9) One (1) wall mounted sign per non-residential tenant shall be permitted in accordance with the following standards:
  - (a) One (1) square foot of sign area per two (2) lineal feet of unit frontage shall be allowed not to exceed one hundred twenty-five (125) square feet of sign area.
  - (b) Signs attached to a building shall be located below the cornice of the building.
- (10) One (1) hanging sign per non-residential tenant may protrude from a building façade. Such sign shall not exceed six (6) square feet in sign area per sign face.
- (11) One (1) ground supported monument-type freestanding sign per parcel containing a non-residential use shall be permitted in accordance with the following requirements.
  - (a) The maximum height of any monument sign shall be six (6) feet as measured from grade to top of the highest part of the sign. Mounding shall not be installed to increase the height or visibility of a monument sign.
  - (b) Maximum area of thirty (30) square feet per sign face (not including the structural support).
  - (c) All monument signs shall have a base consistent with the primary building material and have a minimum of fifty (50) square feet of landscaping around all sides of the monument sign.
- (12) One (1) free-standing, on-premise sign may be erected to serve a group of business establishments provided it is not over fifteen (15) feet in height and has a maximum total sign area of one hundred (100) square feet, with no more than fifty (50) square feet located on any sign face, and located not closer than ten (10) feet to any right-of-way line and not closer than thirty-five (35) feet to any adjoining lot line.
- (13) Each building and unit, if applicable, shall have an address number that is clearly visible from the public right-of-way.
- (14) The following signs are not permitted: portable displays or mobile signs, gas filled devices, roof-mounted signs, revolving or rotating signs and exposed neon signs, cabinet box signs, exposed LED signs, monopole signs, signs with flashing messages or bare bulbs, flashing lights, strings of lights, signs on backlit awnings and bench signs; portable signs including banners, pennants, streamers, and "A" frame signs.

(H) Landscaping. 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:

- (1) Right-of-Way Screening. Any surface parking areas adjacent to an existing or planned public right-of-way shall be screened from the respective right-of-way with a minimum of a thirty (30) inch continuous planting hedge and tree combination. The height shall be measured from the adjacent parking area. Throughout the setback area between a surface parking area and an existing or planned public right-of-way, there shall be a minimum of four (4) trees per one hundred (100) lineal feet. Trees may be deciduous, coniferous or a combination thereof. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.
- (2) Residential District Screening. Non-residential uses adjacent to residential uses (current and future) shall install a continuous planting hedge and tree combination to provide screening from such adjacent use. The required planting hedge and tree combination shall be a minimum of six (6) feet in height at the time of installation. Mounding may be used to achieve the required height and fencing may be incorporated to provide additional screening. All proposed fencing shall be incorporated into the Landscape Plan and shall be complimentary to surrounding properties.
- (3) Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. 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 seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.
- (4) Minimum Tree Size. All trees required by these standards or other applicable standards shall meet the following minimum tree sizes at the time of planting:

<b>Tree</b>	<b>Minimum Size at Planting</b>
Deciduous – Street Tree	2 ½ Inch Caliper
Deciduous – Screening, Parking Lot or other Exterior Property Area	2 Inch Caliper
Coniferous	5 Feet in Height

- (5) Plants. All plants shall meet or exceed American Standards for nursery stock as set forth by the American Association of Nurserymen.
- (6) Maintenance. All trees and landscaping shall be well maintained. Dead trees, shrubs and other landscaping material shall be promptly removed and, when required, shall be replaced within six (6) months.

- (7) Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. 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 must be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.
- (I) Parking and Loading. A detailed Off-Street Parking and Loading Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Off-street parking shall be paved and provided prior to receipt of a final certificate of occupancy, with adequate provisions for ingress and egress according to the Development Plan. In preparing the Off-Street Parking and Loading Plan, all parking and loading areas shall conform with Section 3X of the Violet Township Zoning Code as well as with the following provisions:
- (1) Parking Bays. No parking bay shall contain more than twenty-four (24) total parking spaces, with a maximum of twelve (12) spaces in a single row.
- (2) Parking Lot Location. All parking spaces shall be located behind or to the side of the principal building with no more than fifty (50) percent of such parking spaces located to the side of the principal building.
- (3) Lot Location Exemption. Buildings larger than twenty thousand (20,000) square feet or attached to existing in-line retail space shall be permitted to have parking to the front of the building if the building is located more than three hundred (300) feet from the right-of-way and the parking lot is located no closer than two hundred (200) feet from the right-of-way.
- (4) Parking Lot Islands. Each landscaped tree island in a single loaded parking stall shall have a minimum area of one hundred sixty (162) square feet with a minimum width of nine (9) feet. Each landscaped island in a double loaded parking stall design shall have a minimum area of three hundred twenty-four (324) square feet, with a minimum width of nine (9) feet. All landscaped tree islands shall contain at least one (1) shade tree a minimum of two (2) inches in caliper and include at least fifty (50) square feet of other plant materials. The Off-Street Parking and Loading Plan or the Landscape Plan shall identify all types of trees to be used in parking lot islands.
- (5) Drive Lanes. Drive lanes shall be setback no less than fifteen (15) feet from the public right-of-way or front property line, whichever is greater, and no less than five (5) feet from side and rear property lines. Drives connecting the site to a public or private street or drives utilized to access adjacent properties shall be exempt from this requirement. Location of driveways that connect to a public street shall be reviewed and approved by the

appropriate governing agency (County Engineer, Ohio Department of Transportation, Township Engineer, etc.)

- (6) Fleet Parking. Fleet or service parking shall be provided at a level determined appropriate for a specific use by the Board of Trustees as applicable. All fleet areas shall be located behind the front elevation of the primary building.
  
- (J) Open Space. A minimum of fifteen percent (15%) of the total tract acreage shall remain and be utilized as open space. Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding. Parking lot islands, whether landscaped or not, and similar improvements shall not be considered open space.
  
- (K) Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned public right-of-way(s) and must be enclosed so as to effectively screen them from view. Screening of such areas shall consist of either landscaping or walls accented with landscaping materials. Screening consisting of walls shall utilize materials complimentary to those used on the majority of the building.
  
- (L) Utilities. All utility lines constructed to service the proposed development shall be located underground.
  
- (M) Stormwater Basins. Dry retention basins are prohibited. All stormwater basins shall be wet basins and aeration devices may be required. Bioretention basins, or rain gardens, may be used only when approved by the Township, as applicable. All stormwater basins shall be constructed per the requirements of the Ohio Department of Natural Resources Rainwater and Land Development Manual and Ohio Environmental Protection Agency NPDES regulations.
  
- (N) Supplemental Conditions and Safeguards. The Township 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.
  
- (O) Other Requirements. Unless specifically supplemented by the standards contained in Section 3D or those standards approved by divergence, the development shall comply with all additional zoning requirements applicable to all zoning districts as set forth in this Zoning Code. This includes compliance with Section 3AA6 for property located within the CEDDA District.

### **3D-07 Divergences**

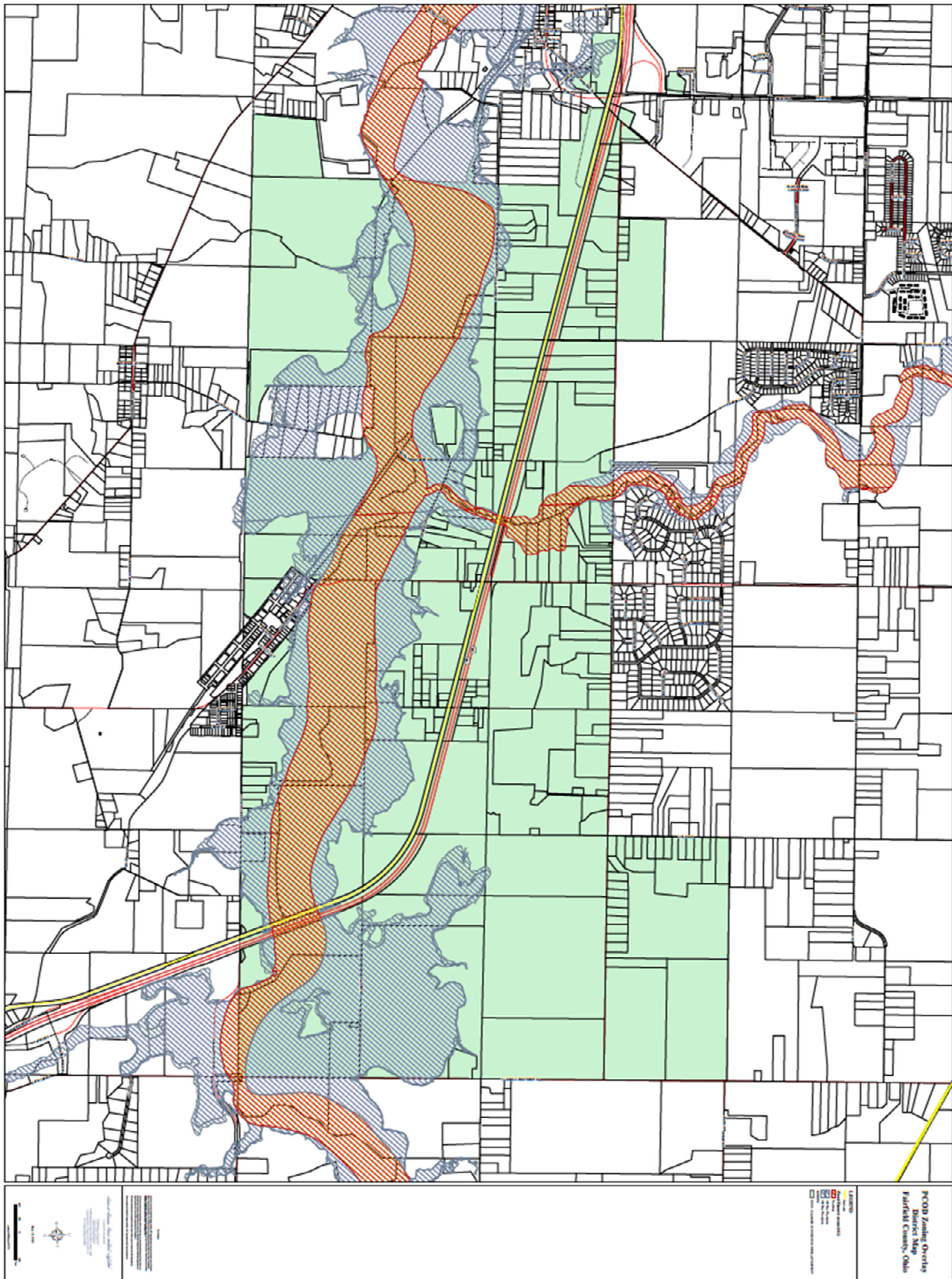
An applicant for PCOD approval may request a divergence from any development standard or other requirement set forth in Section 3D from the Board of Trustees. An

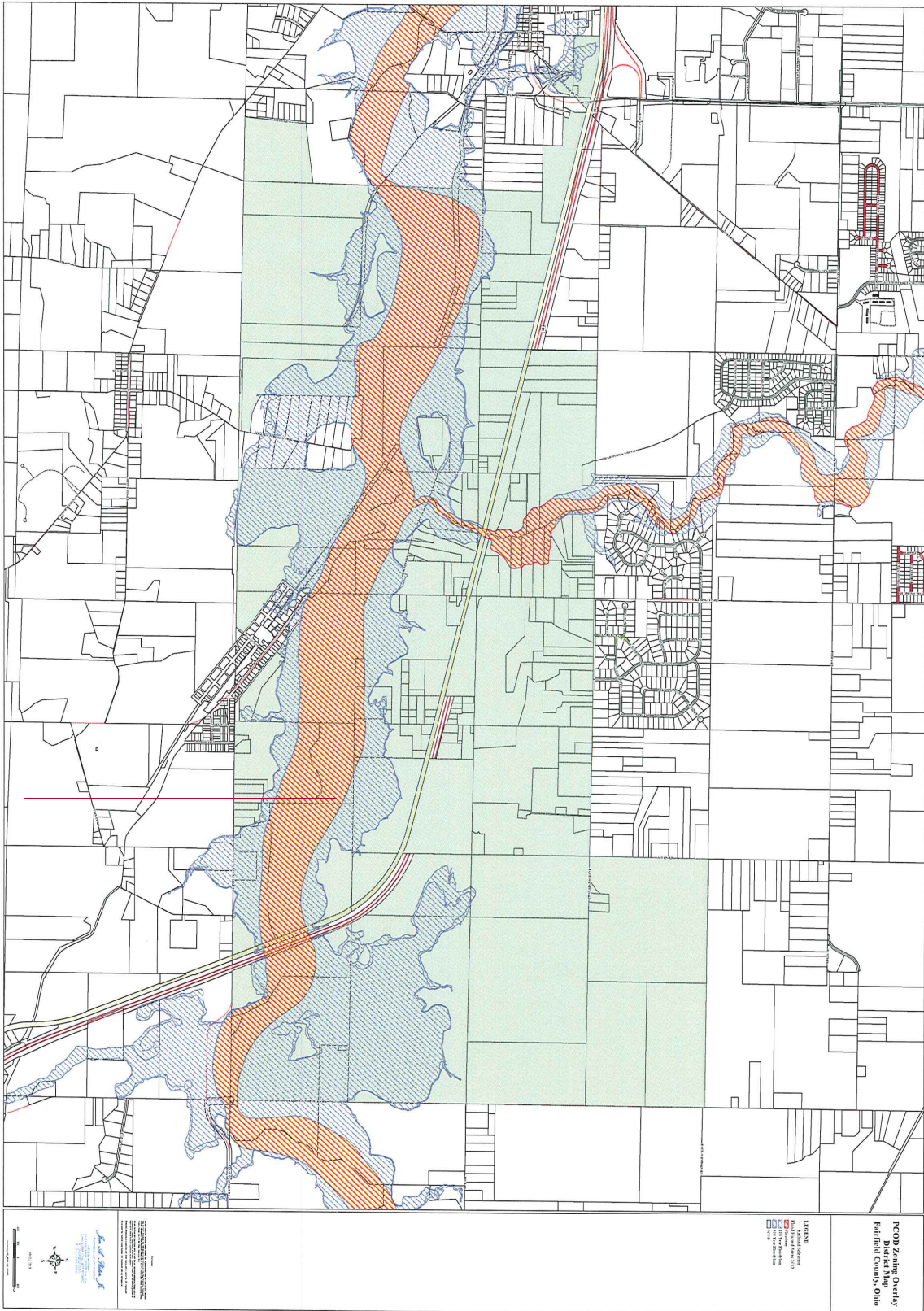
applicant making such a request shall specifically and separately list each requested divergence and the justification therefore for each requested divergence on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.

In considering requests for divergences, the Zoning Commission and Board of Trustees may evaluate the persuasive value of any and all justifications and information presented, both in favor of and against the justification for any divergence, regarding such requests. Requests for divergences are considered on a case-specific basis and may be granted in the sole discretion of the Board of Trustees. Except as required under applicable law, the granting of a divergence is not binding precedent in a future, unrelated application.



# Attachment 1 – Planned 33 Corridor Overlay District Map





**2. Section 3F R-6 District – Mobile Home Subdivision**

*Section 3F R-6 District – Mobile Home Subdivision shall be amended by deleting the Section in its entirety.*

**3F**

*Intentionally Left Blank*

**~~R-6 District – Mobile Home Subdivision~~**

**~~3F1 Definitions~~**

- ~~a. "Density" means the number of dwelling units per acre of land, as computed in relation to the entire acreage of Mobile Home Subdivision, as the same may be proposed.~~
- ~~b. "Mobile home" means any vehicle manufactured as a single family dwelling, comprised of one or more units but excluding recreational vehicles, which has been designed and manufactured for transportation on the public streets and highways on its own wheels, arriving at the site complete and ready for occupancy where it is to be occupied as a dwelling except for normal unpacking, assembly operations and connections to utilities.~~
- ~~c. "Mobile home pad" means that portion of a mobile home site which is designed, constructed and improved in such a manner as to provide a base upon which a mobile home shall rest, and which also serves as a base upon which blocks or other materials may be placed to assist in leveling the floor of a mobile home and providing a temporary type of foundation.~~
- ~~d. "Mobile home subdivision" means one or more contiguous parcels of land under a single ownership which have been designed and developed in such a manner as to provide individual mobile home sites for five or more mobile homes.~~
- ~~e. "Mobile home lot" means an area of land within a mobile home subdivision, which is designed and developed in such a manner as to provide a location for one mobile home.~~
- ~~f. "Recreational vehicle" means a vehicle manufactured or modified to contain temporary living quarters for travel, recreation or vacation purposes, and shall include campers, travel trailers, truck campers and house vehicles.~~

**~~3F2 Application for Mobile Home Subdivision~~**

~~A Mobile Home Subdivision (MHS) may be applied for in the same manner as for any other zoning district and such applications shall be subject to all of the provisions of the Violet Township Zoning Code governing applications for zoning and/or amendments thereto.~~

**~~3F3 Application for Mobile Home Subdivision~~**

~~Written application for a mobile home subdivision plan approval shall be submitted in accordance with the provisions of Violet Township Zoning Code and shall otherwise be in accordance with the following provisions:~~

- ~~(a) The real party in interest shall make such written application along with the owner of the area sought to be zoned, if both are not the same.~~
- ~~(b) The normal filing fee for this District shall be determined by the Violet Township Trustees and published in a fee schedule that shall be available to the public in the Township offices.~~
- ~~(c) The application shall be accompanied by five sets of complete plans and such additional documents as may be necessary to show all of the following information:~~
  - ~~1. The location, size and legal description of the tract to be developed as a mobile home subdivision;~~
  - ~~2. The complete layout of the community, including all proposed mobile home sites, drawn to a scale of not more than 1 inch 50 feet;~~
  - ~~3. The location of all proposed facilities, such as recreation areas, open space, laundry buildings, maintenance buildings, storage, etc;~~
  - ~~4. The proposed traffic circulation pattern including all roadway locations, points of ingress and egress, parking facilities, sidewalks and the relationship of interior traffic to the traffic pattern adjacent to the community;~~
  - ~~5. The location of and the source of supply or service for garbage and trash removal, gas, electricity, telephone, sewage disposal, storm drainage facilities and water;~~
  - ~~6. The proposed landscaping, type of fencing and other aesthetic features; which landscaping or screening shall conform to the requirements of Section 3N2-11 of this Zoning Code for abutting R-1, R-2, R-4, R-5, R-7 or R-8 Districts.~~
  - ~~7. A typical mobile home site drawn to a scale of 8 feet to the inch, or larger, showing the boundaries of the site and the location thereon of a typical mobile home, patio, parking spaces, walkways and pad;~~
  - ~~8. A legend indicating the compliance by the developer with the area requirements, as set out in these regulations.~~

### ~~**3F4 Approved Mobile Home Park Plans Binding**~~

~~Once mobile home park plans showing the proposed development have been submitted with an application for a mobile home park and approved, such plans shall~~

~~be considered to be an integral part of the mobile home park application and development of the park shall be in accordance with the plans as approved. Any change in plans or deviation therefrom shall not be permitted without application to the Zoning Board and approval of such application.~~

### ~~**3F5—Size of Mobile Home Subdivision**~~

~~Each mobile home subdivision shall have an area of not less than forty (40) acres.~~

### ~~**3F6—Density**~~

~~The maximum average density of any mobile home community shall be not more than six (6) mobile homes per acre.~~

### ~~**3F7—Height Limitation**~~

~~No building or structure, except an approved water reservoir, stand pipe and tank or TV tower and antenna shall be constructed to a height of more than twenty five (25) feet above the ground. No mobile home unit shall be placed in such a manner as to be situated above another mobile home, and no mobile home shall be permitted to exceed an elevation of thirteen feet six inches (13' 6") as measured from the top of the pad on which such mobile home is situated to the highest elevation of such mobile home.~~

### ~~**3F8—Mobile Home Subdivision Yards**~~

~~Each mobile home subdivision shall have a yard with a depth of not less than twenty five (25) feet around the entire perimeter of such subdivision. The uses of such a border shall be subject to all of the following:~~

- ~~(a) No building, structure, mobile home, parking space, storage of equipment or other paraphernalia except that used exclusively for recreational purposes shall be located within any required yard area, except that aesthetic structures at the ingress and egress ways and such ways themselves are not hereby precluded.~~
- ~~(b) The side and rear border area shall only be used for common recreational purposes, provided that the borders used for this purpose are adjacent to and connected with other common recreational areas located outside of the required border areas. Whenever the borders are used in this manner, the total amount of recreational area so provided may be credited toward not more than one half (1/2) of the required twenty percent (20%) common recreational area as provided in 3F9.~~

### ~~**3F9—Common Recreational Areas**~~

~~Each mobile home subdivision shall provide a common recreational area within the boundaries thereof, subject to the following provisions:~~

- ~~(a) The recreational area may be composed of more than one specific area.~~

- ~~(b) The recreational area may consist of open land, land set aside for visiting mobile libraries or similar facilities, land containing tennis courts, putting greens and the like, land containing swimming pools, club houses, and similar structures, or any combination of such recreational facilities.~~
- ~~(c) The total amount of land set aside for recreational purposes shall not be less than twenty percent (20%) of the area of land to be used for mobile home subdivision.—~~

**3F10 Storage Facilities**

The storage of items and the storage facilities within any mobile home community shall be in accordance with the following:

- ~~(a) The open storage of yard maintenance equipment, household effects, garbage and trashcans, butane gas tanks and other similar items shall be prohibited.~~
- ~~(b) Each mobile home site shall be provided with an on-site enclosed Storage facility with a capacity of not less than fifty (50) cubic feet; in which garbage and trash cans may be stored.~~
- ~~(c) An open storage area for the storage of boats and recreational vehicles shall be provided and maintained. Such storage area shall be readily accessible to all residents of the subdivision, shall be surrounded by screening of a type resulting in seventy five percent (75%) opaqueness and shall be of such a size as to provide one hundred (100) square feet of open storage for each mobile home site in the subdivision.~~

**3F11 Roadways**

All roadways within the boundaries of a mobile home subdivision shall be curbed, guttered and have minimum widths, and contain improvements located therein, in accordance with the following:

- ~~(a) Minimum widths shall be:~~

<del>Type of Roadway</del>	<del>Total Width</del>	<del>Improved Width</del>		
		<del>if parking is NOT Permitted</del>	<del>Improved Width if parking PERMITTED</del>	
			<del>One Side Only</del>	<del>Both sides</del>
<del>Collector</del>	<del>60 ft.</del>	<del>30 ft.</del>	<del>38 ft.</del>	<del>46 ft.</del>
<del>Local Access (2 Way)</del>	<del>50 ft.</del>	<del>24 ft.</del>	<del>32 ft.</del>	<del>40 ft.</del>
<del>Local Access (1 Way)</del>	<del>50 ft.</del>	<del>20 ft.</del>	<del>28 ft.</del>	<del>36 ft.</del>

- ~~(b) The improved width shall be constructed of asphaltic concrete or Portland cement concrete.~~
- ~~(c) Curbs and gutters made of Portland cement concrete on each side of the improved portion of the roadway whenever such improved portion has a required width of 30 feet or more. Such curbs shall be of the integral type.~~
- ~~(d) Improved roadways with a required width of less than 30 feet may be of the V section type or the crown type with curbs and gutters along each side.~~
- ~~(b) No portion of any roadway located between the improved portion and the boundary lines of the roadway shall be used for any purpose other than sidewalks, driveways, lawns, shrubbery or the installation of street lights and underground utility lines.~~
- ~~(f) The design and improvement of the proposed roadways shall be subject to the approval of the County Engineer of Fairfield County, Ohio.~~

### **3F12 Sidewalks**

~~Within each mobile home subdivision, sidewalks are required and shall be installed in accordance with the following:~~

- ~~(a) All sidewalks shall be constructed of Portland cement concrete and shall have thickness of not less than 4 inches.~~
- ~~(b) Common sidewalks with a minimum width of 3 feet, intended to provide pedestrian circulation from one mobile home to another or to various locations throughout the community, shall be installed to serve all mobile homes and common use areas that front upon or have access from a roadway improved with curbs and gutters.~~
- ~~(c) A private sidewalk, with a minimum width of 2 feet, intended to provide a walkway from a mobile home to a roadway or the common sidewalk system shall be installed to serve each mobile home site.~~

### **3F13 Underground Utility Lines**

~~Within each mobile home subdivision all utility lines, including those for electricity and telephone service, TV antenna cable and the like, shall be located underground.~~

### **3F14 Utility Meters**

~~At the time a mobile home subdivision is developed, utility lines shall be designed and installed in accordance with the regulations and requirements of the respective utility companies involved, and whenever the developer or operator of a mobile home subdivision intends to or does charge an individual occupant of the subdivision a fee for any utility service, including but not limited to electricity gas or water, then a separate meter for the type of utility for which a charge will be or is made shall be installed at the mobile home site concerned.~~

### **~~3F15 Storm Drainage~~**

~~Within each mobile home community, storm drainage shall be provided in accordance with the following minimum requirements:~~

- ~~(a) All mobile home sites, building sites, roadways, and other areas requiring grading shall be graded in such a manner that storm water will drain therefrom. Grading shall be accomplished in such a manner that will not obstruct the natural drainage of adjoining and adjacent properties.~~
- ~~(b) Open drainage ditches shall not be permitted and all drainage ways shall be enclosed.~~
- ~~(c) It shall be the responsibility of the mobile home subdivision owner to install whatever drainage lines are necessary to carry storm water from his property to the nearest State of Ohio, Department of Health, approved facility for the disposition of such storm water.~~

### **~~3F16 Water Supply~~**

~~Within each mobile home subdivision, the source of water shall be supplied by a governmental subdivision, if available, and practical, to an approved subdivision system; however, if such a supply is not available and practical, then the water supply shall be from a water system that has been approved by the State Department of Health and the Fairfield County, Ohio Department of Health. Furthermore, such water system shall be adequate to supply the entire population of the contemplated subdivision.~~

~~Such a system shall also include a suitable reservoir of water along with a system of hydrants connected thereto, designed for the adequate fire protection of all members of such a mobile home community, as described by an applicant pursuant to section 3F3 C1 of this Code.~~

### **~~3F17 Sanitary Waste Disposal~~**

~~Within each mobile home subdivision sanitary waste disposal shall be accomplished by means approved by the State of Ohio, Department of Health, and the Fairfield County, Ohio Department of Health.~~

### **~~3F18 Mobile Home Site~~**

~~Each mobile home site within a mobile home community shall comply with the following area requirements:~~

- ~~(a) Each mobile home site shall contain an area of not less than 4,000 square feet, which area shall be exclusive of any areas set aside for common use of the residents of the community, such as roadways, recreational areas, subdivision borders, storage, parking and the like, and further shall have a minimum frontal width of twelve (12) feet if such lot is irregular in shape.~~



### **~~3F19 Mobile Home Site Yards~~**

~~Each mobile home site shall be designed in such a manner and the mobile home placed on the site in such a way that the frontal-most point of such mobile home shall be no nearer the fronting access road than 20 feet, nor shall such mobile home structure be situated nearer to the other lot lines than ten (10) feet. For the purposes of this regulation, appurtenances such as awnings and patios shall not be considered as a part of the mobile home structure.~~

### **~~3F20 Patios~~**

~~Each mobile home site shall contain a patio with an area not less than 180 square feet. Such patio shall be constructed of Portland cement, concrete, brick, tile or similar material so as to result in a dust free and well drained hard surface.~~

### **~~3F21 Mobile Home Pads~~**

~~Each mobile home shall be placed on and supported by concrete pad designed to carry the load placed thereon. Such pad shall be constructed of reinforced concrete and shall have a length of at least 45 feet by 12 feet in width. If a slab type pad is not used, it shall be permissible to construct such pad by building two strips of reinforced concrete parallel to each other with dimensions of at least 45 feet by 3 feet for each strip. Such strips shall be placed to provide maximum space for a structure to be maneuvered thereon. In addition to the specifications described above, such pad, whether the slab type or parallel strips, shall be designed with suitable anchoring devices to permit the mobile home, placed thereon, to be securely anchored thereto by chain, cables or other securing device connected from such pad to the mobile home.~~

### **~~3F22 Automobile Parking~~**

~~Automobile parking spaces shall be provided within each mobile home subdivision in accordance with the following:~~

- ~~(a) Two spaces shall be provided for each mobile home site for the exclusive use of the occupants thereof.~~
- ~~(b) One space for guest and visitor parking shall be provided for each four mobile home sites within the mobile home subdivision.~~
- ~~(c) Each parking space shall have an area of not less than 9 feet in width and 19 feet in length and shall be located not more than 150 feet from the mobile home site it is intended to serve.~~
- ~~(d) Each parking space shall be constructed of Portland cement concrete, or asphaltic concrete, and constructed in such a manner as to drain properly.~~

### **~~3F23 Removal of Running Gear Prohibited~~**

~~The removal of the frame, springs and axle from any mobile home in a mobile home~~

~~subdivision is prohibited.~~

### **~~3F24 Mobile Home Enclosures~~**

~~Not less than thirty (30) days after a mobile home has been placed upon a mobile-home site, the area between the bottom of the sides and the ends of the mobile home and ground upon which it is located, shall be enclosed by walls made of a visually impervious material.~~

### **~~3F25 Prohibited Uses~~**

~~Within a mobile home park only those uses specifically listed as permitted uses shall be authorized, and all other uses, including but not necessarily limited to the following, shall be prohibited:~~

- ~~(a) Mobile homes that are not self-contained.~~
- ~~(b) A modular home of any type, except a single family dwelling to be occupied by a resident manager of the park.~~
- ~~(c) Boats and recreational vehicles of any type except those owned by occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.~~
- ~~(d) Repair or sale of vehicles of any type, including mobile homes, except for the repair or sale of an individual vehicle by the owner or occupant thereof.~~
- ~~(e) Buildings or permanent type structures for use other than those permitted uses.~~

### **~~3F26~~**

~~All other additional uses of the premises sought to be rezoned not specifically allowed in Section 3F are prohibited.~~

### **3. Section 3N PCD – Planned Mixed-Use Commercial District**

*Section 3N PCD – Planned Mixed-Use Commercial District shall be amended by revising and replacing that Section with the following:*

## **3N PCD – Planned Mixed Use Commercial District**

### **3N1 Objectives for Planned Commercial District**

**3N1-01:** The Planned Mixed Use Commercial District (PCD) is organized as authorized under Ohio Revised Code Section 519.021(B). The regulations set forth herein are based on the premise that the ultimate

quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings and the general character of a development or enable the range of uses in a single zoning district that are appropriate in the Township. Accordingly, it is the policy of Violet Township to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of various types of development projects, in order to accommodate unified development that:

- (a) provides an opportunity for a mix of open space, recreational and commercial uses not otherwise permitted within the standard zoning district classifications; and
- (b) allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
- (c) 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; and
- (d) assures compatibility between proposed land uses within and around the PCD through appropriate development controls; and
- (e) enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
- (f) encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

**3N1-02:** For purposes of this Section, plans including all supporting documentation adopted by the Township at the time of rezoning shall be referred to as the "Zoning Plan", and plans including all supporting documentation approved subsequent to such rezoning but prior to the initiation of any development activities are referred to as the "Development Plan".

**3N1-03:** Each PCD is considered a separate and unique zoning district wherein a Zoning Plan, including associated text describing the allowable uses and specific development standards is adopted simultaneously with the application requesting amendment of the zoning map to apply the PCD designation. The Zoning Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular PCD. Whenever there is a conflict or difference between the provisions of Section 3N and those of other sections of this Zoning Code, the provisions of Section 3N shall prevail for the development of land within the PCD. Subjects not expressly covered by Section 3N shall be governed by the respective provisions found elsewhere in this Zoning Code that are most similar to the proposed use.

**3N1-04:** The action of the Township upon an application to approve a Zoning Plan pursuant to this Section and Section IX of the Zoning Code shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PCD, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Section including any action taken on a Development Plan, shall not be considered to be an amendment to the Township Zoning Code for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

**3N1-05:** A change to an adopted Zoning Plan shall be considered to be a zoning amendment and shall be processed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Section IX of this Zoning Code.

**3N1-06:** A Development Plan shall be required to be submitted to the Township for approval prior to the initiation of development in each phase of the PCD.

[3N1-07: Condition of Approval. Unless otherwise excluded by resolution approved by the Board of Trustees, no real property located in a PCD shall be included in an Application and Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code \(a "JEDD"\) and in which Violet Township is a contracting party.](#)

## **3N2 Uses Permitted to be Requested Within a PCD**

**3N2-01:** Within the PCD the following uses, developed in strict compliance with the approved Zoning Plan, may be requested to be permitted. The precise use or type of use to be included in the proposed PCD shall be clearly specified in the proposed Zoning Plan.

- (1) REC-1, Privately Owned Recreational Facilities

- (a) Uses defined in Subsection 3H1-01, and those accessory uses defined in Subsections 3H1-02, 3H1-03 and 3H1-06 of the Zoning Code.
- (2) S-1, Professional and Commercial Services
  - (a) Uses defined in Subsections 3L1-01 through 3L1-03 of the Zoning Code.
- (3) S-2, Veterinary and Animal Hospital Services
  - (a) Uses defined in Subsections 3M1-01 and 3M1-02 of the Zoning Code.
- (4) C-1, Local Commercial Establishments
  - (a) Uses defined in Subsections 3P1-01 through 3P1-03 of the Zoning Code.

(5) C-2, Limited Commercial Establishments

- (a) Uses defined in Subsections 3Q1-01 through 3Q1-04 of the Zoning Code.

**3N2-02:** With the exception of the Subsections listed above, no other provisions in Sections 3H, 3L, 3M and 3P shall be applicable to the PCD.

**3N3 Prohibited Uses**

**3N3-01:** Within the PCD the following uses shall be prohibited:

- (a) Uses not specifically authorized by the express terms of the Zoning Plan.
- (b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or repair activity if such activities are carried out in compliance with the approved Zoning Plan.
- (c) Except as provided in the Zoning Plan, no trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Zoning Plan.

- (d) Except as specifically permitted in the approved Zoning Plan, no manufactured home, mobile home, or mobile office structure shall be placed or occupied in this district.
- (e) Sales trailers of any type.
- (f) Sexually Oriented Businesses as defined in Section 3AA2-07(A)(11)(c).
- (g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- (h) Residential uses of any kind.

### **3N4 Procedure for Amending to the PCD**

**3N4-01:** In addition to the procedure set forth in Section IX of this Code, all applications for amendments to the zoning map to rezone property to the PCD shall follow the procedures hereinafter set forth:

- (1) Preapplication Meeting – The applicant is encouraged to engage in informal consultations with staff from the Zoning Commission and the Fairfield County Regional Planning Commission prior to formal submission of an application for an amendment of the Zoning Code. No statement or action by Township or County officials 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.
- (2) Application – The owner(s) of land may request that the Zoning Code be amended to include such land in the PCD by filing fifteen (15) copies of an application for such amendment with the Violet Township Zoning Commission, which application shall contain:
  - (a) name, address and telephone number of the owner and applicant;
  - (b) name, address and number of registered surveyor and engineer assisting in the preparation of the Zoning Plan;
  - (c) legal description of the property and the address of the property;

- (d) description of existing uses;
  - (e) present zoning district;
  - (f) a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PCD to the existing streets and public service facilities in the area;
  - (g) a list of the names and addresses of all owners of property which are within, contiguous to and directly across the street from the subject property; and
  - (h) any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.
- (3) Proposed Zoning Plan – In addition to the application required herein, fifteen (15) copies of a proposed Zoning Plan shall be submitted with the application. The proposed Zoning Plan shall include in text and map form:
- (a) The size and location of the property to be rezoned;
  - (b) A list and description of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated for the REC-1, S-1, S-2 and C-1 Districts in Section 3N2-01, except where they are specifically defined or limited in the Zoning Plan or this Zoning Code. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
  - (c) The general development character of the property proposed to be rezoned to this District, including the location of uses, overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setback requirements and other general development features including landscaping, screening and buffering from adjacent properties. The extent and intensity of said landscaping, screening and buffering may vary in density, spacing and other treatments to reflect variations in topography, existing landscaping and existing uses and planned uses set forth in the Violet Township Land Use and Transportation Plan;
  - (d) General architectural design criteria for all structures and criteria for proposed signs and exterior lighting with proposed control features;
  - (e) Proposed provisions for water, sanitary sewer, surface drainage and other utilities, including location of detention areas, with

general engineering feasibility studies or other evidence of reasonableness;

- (f) The proposed traffic patterns showing points of ingress and egress, public and private streets, parking and loading areas and number of parking and loading spaces, walks, and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;
  - (g) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
  - (h) Location of open space areas, parks and other public facilities, if any;
  - (i) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities and the proposed maintenance plans for areas not being immediately developed;
  - (j) The ability of the applicant or applicants to carry forth the Zoning Plan by control of the property proposed to be rezoned to this PCD and the engineering feasibility of the Zoning Plan; and
  - (k) Any additional information as may be required by the Zoning Commission.
- (4) Basis of Approval – In determining whether or not to approve an application for a PCD, 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 this Zoning Code;
  - (b) If the proposed development is in conformity with the Violet Township Land Use and Transportation Plan or portion thereof as it may apply;
  - (c) If the proposed development promotes the public health, safety, and general welfare of the Township and the immediate vicinity;
  - (d) If the proposed plan meets all of the design features required in this Code;
  - (e) If the proposed development is in keeping with the existing land use character and physical development potential of the area;
  - (f) If the proposed development will be compatible in use and appearance with surrounding land uses;



- (g) If the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
  - (h) If the development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PCD without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
  - (i) If the development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township; and
  - (j) If the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PCD.
- (5) Effect of Approval
- (a) The Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PCD permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Zoning Plan. However, in a PCD, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township a Development Plan for said part of said tract, and until the Development Plan is approved by the Township Trustees.
  - (b) The approval of the Zoning Plan shall be for a period of ~~five-two~~ (25) years, or for such other period as set forth in the approved Zoning Plan, to allow the preparation of the required Development Plan. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Zoning Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for the Zoning Plan approval. This new application shall comply with the terms of the Zoning Code then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its

former (or another similar) classification upon expiration of the Zoning Plan approval period.

- (6) Development Plan Required – In the PCD, no use shall be established or changed and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Township Trustees.
- (7) Development Plan – An application for approval of the Development Plan shall be filed with fifteen (15) copies of the Development Plan which 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;
  - (c) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale;
  - (d) Boundary lines of the proposed development and the total acreage encompassed therein;
  - (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 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 in developing the tract, indicating pipe sizes, grades and locations;
  - (g) The adjoining lines of adjacent tracts, parcels or lots;
  - (h) Existing zoning restrictions and deed restrictions, if any;
  - (i) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
  - (j) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements;
  - (k) Layout, numbering and dimensions of lots if more than one;
  - (l) Layout, location, dimensions and architectural features of proposed structures;

- (m) 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;
  - (n) Building setback lines with dimensions;
  - (o) Tentative street grades and sewer size slope;
  - (p) Traffic circulation, detailed off-street parking and loading plan showing layout, location and design of parking and loading areas and number of parking and loading spaces, curb cuts, pedestrian walks and lane improvements on existing public roads;
  - (q) Landscaping plans, including site grading and landscape design;
  - (r) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;
  - (s) Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
  - (t) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used;
  - (u) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
  - (v) A detailed signage and exterior lighting plan;
  - (w) Intended measures to screen rooftop mechanical equipment from view;
  - (x) Accommodations and access for emergency and fire fighting apparatus;
  - (y) The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user; and
  - (z) Any additional information as may be required by the Zoning Commission.
- (8) Process For Approval – The application for the Development Plan approval shall be submitted to the Zoning Commission for hearing and

recommendation. The Zoning Commission shall establish a date for the hearing which shall occur within forty-five (45) days after the filing of the complete application with the Zoning Inspector and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Zoning Commission shall make a recommendation for the approval, modification or denial of the application within one hundred eighty (180) days after the first hearing date. The recommendation shall be forwarded to the Board of Trustees. The Board of Trustees shall hold a hearing on the application within thirty (30) days after its receipt of the recommendation and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Board of Trustees shall render a decision on the application within one hundred eighty days (180) after the first hearing date. The Development Plan shall be approved by the Board of Trustees if it is in accordance and consistent with the approved Zoning Plan relating to that part of said tract which is the subject of the Development Plan and with the PCD regulations set forth in Section 3N. Upon the approval of the Development Plan, the tract which is the subject of said Development Plan may be used and developed consistent with the approved Zoning Plan and the Development Plan. The approval of the Development Plan shall be for a period of two (2) years 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 certificate of zoning compliance. If no plat has been filed within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

- (9) Extension of Time for Development Plan – Upon application by the owner(s), the Board of Trustees may extend the two (2) year time limit provided by Section 3N4-01(8). Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PCD.
- (10) Modification of Development Plan – An applicant seeking to modify an approved Development Plan shall file a new application for Development Plan approval utilizing the same procedures and criteria as established for the approval of the initial Development Plan.
- (11) Fees – A fee as established by the Board of Trustees shall accompany an application requesting approval of the Zoning Plan or Development

Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Violet Township in using professional consulting services to review the Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Zoning Plan or 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.

- (12) Phases – A project which is the subject of the Zoning Plan may be approved for development in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Zoning Plan or absent an extension approved by the Board of Trustees, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 3N4-01(5). An application for Development Plan approval for each phase of a project shall be annotated as to the as built conditions and shall be supplemented with an updated construction schedule. The phasing schedule shall be fully described in the Zoning Plan in a manner sufficient to give Township officials guidelines for the timing of future phases.

**3N4-02:** Development Guidelines – The proposed development shall be designed in accordance with accepted planning principles, including the planning and development principles included 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 set back of

buildings; and the sizes of yards and other spaces are in compliance with the purposes and objectives of the Section as set forth above. The development should incorporate open space features and be designed and landscaped to avoid creating undesired impact for adjoining residential properties while maintaining the character of the area as predominately suburban residential. The design of the proposed development should also take into account and be reflective of the following planning and development guidelines:

- (1) Access – The Zoning Plan should require frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Fairfield County Regional Planning Commission should be provided.
- (2) Setbacks and Yard Areas – The location and arrangements of buildings and structures within the PCD should be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. When located contiguous to a residential district (R-1, R-2, R-3, R-7, R-8 or PD), no building should be constructed within fifty (50) feet of the perimeter property line of the contiguous property, and no parking should be constructed closer than thirty-five (35) feet to a contiguous property line.
- (3) 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 within the development and adjacent to it. 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 should 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.
- (4) Building Size – Building size should be limited in areas not conducive to absorbing the impacts associated with larger retail and commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. The applicant shall delineate any building size limitations as part of the Zoning Plan.

- (5) Tract Coverage – Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.
- (6) Lighting – Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. Lighting standards should be included in the Zoning Plan. A detailed lighting plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (7) Signage – All signs and graphics within the PCD should be compatible in size, location, material, height, shape, color, and illumination. Sign standards should be included in the Zoning Plan. A sign plan for the entire PCD shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PCD, but do not contribute to environmental degradation. Ground signs should be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame should be compatible with the buildings, materials, and colors. A detailed sign plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (8) Landscaping – All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. Landscaping standards should be included in the Zoning Plan. 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 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 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 should 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. The landscape treatment proposed to be provided should emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The landscape plan, to the extent practical, should

preserve and be sensitive to the natural characteristics of the site. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they should 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 should 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. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.

- (9) Parking and Loading Areas – 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 Zoning Plan. A detailed off-street parking and loading plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. In preparing the parking plan, the provisions of Section 3X should, when appropriate, be incorporated. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development.
- (10) Open Space – Open spaces should be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
- (11) Flood Plains and Environmentally Sensitive Areas – Flood plains should be protected from building or pavement encroachment. A riparian buffer should be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area should have a width of not less ~~then~~ than fifty (50) feet as measured from the river or stream bank. This buffer area should 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 should be provided for all



wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area should have a width not less ~~then~~ than twenty-five (25) feet, measured from the edge of the designated wetland. The buffer area should not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable.

- (12) Utilities – Centralized water supply and sanitary sewage disposal systems and stormwater management shall be provided, subject to the Fairfield County Sanitary Engineer, Fairfield County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines should be located underground.
- (13) 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.
- (14) 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.
- (15) Glare, Heat, and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other similar types of activities shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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.

**4. Section 30 PBID – Planned Business and Industrial District**

*Section 30 PBID – Planned Business and Industrial District shall be amended by revising and replacing that Section with the following:*

**30 PBID – Planned Business and Industrial District**

**301 Objectives for Planned Business and Industrial District**

**301-01:** The Planned Business and Industrial District (PBID) is organized as authorized under Ohio Revised Code Section 519.021(B). The regulations set forth herein are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the general classification of land uses, but also by the specific way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district classifications do not adequately regulate the design of buildings and the general character of a development or enable the range of uses in a single zoning district that are appropriate in the Township. Accordingly, it is the policy of Violet Township to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services and encourage innovation in the planning and building of various types of development projects, in order to accommodate unified development that:

- (a) provides an opportunity for a mix of open space, recreational, commercial and light industrial uses not otherwise permitted within the standard zoning district classifications; and
- (b) allows the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protects the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas; and
- (c) 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; and
- (d) assures compatibility between proposed land uses within and around the PBID through appropriate development controls; and

- (e) enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; and
- (f) encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

**301-02:** For purposes of this Section, plans including all supporting documentation adopted by the Township at the time of rezoning shall be referred to as the “Zoning Plan”, and plans including all supporting documentation approved subsequent to such rezoning but prior to the initiation of any development activities are referred to as the “Development Plan”.

**301-03:** Each PBID is considered a separate and unique zoning district wherein a Zoning Plan, including associated text describing the allowable uses and specific development standards is adopted simultaneously with the application requesting amendment of the zoning map to apply the PBID designation. The Zoning Plan, as approved by the Township and as provided under Ohio Revised Code Section 519.021(B), shall constitute the zoning regulations for and shall apply only to the property included within that particular PBID. Whenever there is a conflict or difference between the provisions of Section 30 and those of other sections of this Zoning Code, the provisions of Section 30 shall prevail for the development of land within the PBID. Subjects not expressly covered by Section 30 shall be governed by the respective provisions found elsewhere in this Zoning Code that are most similar to the proposed use.

**301-04:** The action of the Township upon an application to approve a Zoning Plan pursuant to this Section and Section IX of the Zoning Code shall be considered a legislative act, and subject to a referendum. After property has been rezoned to the PBID, any action related to the subsequent use or development of such property, as being in compliance with the regulations authorized to be established by this Section including any action taken on a Development Plan, shall not be considered to be an amendment to the Township Zoning Code for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

**301-05:** A change to an adopted Zoning Plan shall be considered to be a zoning amendment and shall be processed according to the procedures set forth in Section 519.12 of the Ohio Revised Code and Section IX of this Zoning Code.

**301-06:** A Development Plan shall be required to be submitted to the Township for approval prior to the initiation of development in each phase of the PBID.

**301-07:** Condition of Approval. Unless otherwise excluded by resolution approved by the Board of Trustees, no real property located in a PBID shall be included in an Application and Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code (a “JEDD”) and in which Violet Township is a contracting party.

### **302 Uses Permitted to be Requested Within a PBID**

**302-01:** Within the PBID the following uses, developed in strict compliance with the approved Zoning Plan, may be requested to be permitted. The precise use or type of use to be included in the proposed PBID shall be clearly specified in the proposed Zoning Plan.

- (1) REC-1, Privately Owned Recreational Facilities
  - (a) Uses defined in Subsection 3H1-01, and those accessory uses defined in Subsections 3H1-02, 3H1-03 and 3H1-06 of the Zoning Code.
- (2) S-1, Professional and Commercial Services
  - (a) Uses defined in Subsections 3L1-01 through 3L1-03 of the Zoning Code.
- (3) S-2, Veterinary and Animal Hospital Services
  - (a) Uses defined in Subsections 3M1-01 and 3M1-02 of the Zoning Code.
- (4) C-1, Local Commercial Establishments
  - (a) Uses defined in Subsections 3P1-01 through 3P1-03 of the Zoning Code.
- (5) C-2, Limited Commercial Establishments
  - (a) Uses defined in Subsections 3Q1-01 through 3Q1-~~03-04~~ of the Zoning Code.
- (6) C-3, Unlimited Commercial Establishments
  - (a) Uses defined in Subsection 3R1-01 of the Zoning Code.
- (7) M-1, Restricted Manufacturing Establishments

- (a) Uses defined in Subsections 3S1-01 and 3S1-02 of the Zoning Code.
- (8) M-2, Limited Manufacturing Establishments
  - (a) Uses defined in Subsections 3T1-01 through 3T1-02

**302-02:** With the exception of the Subsections listed above, no other provisions in Sections 3H, 3L, 3M, 3P, 3Q, 3R, 3S and 3T shall be applicable to the PBID.

### **303 Prohibited Uses**

**303-01:** Within the PBID the following uses shall be prohibited:

- (a) Uses not specifically authorized by the express terms of the Zoning Plan.
- (b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or repair activity if such activities are carried out in compliance with the approved Zoning Plan.
- (c) Except as provided in the Zoning Plan, no trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Zoning Plan.
- (d) Except as specifically permitted in the approved Zoning Plan, no manufactured home, mobile home, or mobile office structure shall be placed or occupied in this district.
- (e) Sales trailers of any type.
- (f) Sexually Oriented Businesses as defined in Section 3AA2-07(A)(11)(c).
- (g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and

thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

- (h) Residential uses of any kind.

### **304 Procedure for Amending to the PBID**

**304-01:** In addition to the procedure set forth in Section IX of this Code, all applications for amendments to the zoning map to rezone property to the PBID shall follow the procedures hereinafter set forth:

- (1) Preapplication Meeting – The applicant is encouraged to engage in informal consultations with staff from the Zoning Commission and the Fairfield County Regional Planning Commission prior to formal submission of an application for an amendment of the Zoning Code. No statement or action by Township or County officials 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.
- (2) Application – The owner(s) of land may request that the Zoning Code be amended to include such land in the PBID by filing fifteen (15) copies of an application for such amendment with the Violet Township Zoning Commission, which application shall contain:
  - (a) name, address and telephone number of the owner and applicant;
  - (b) name, address and number of registered surveyor and engineer assisting in the preparation of the Zoning Plan;
  - (c) legal description of the property and the address of the property;
  - (d) description of existing uses;
  - (e) present zoning district;
  - (f) a vicinity map at a scale approved by the Zoning Commission showing the relationship of the PBID to the existing streets and public service facilities in the area;
  - (g) a list of the names and addresses of all owners of property which are within, contiguous to and directly across the street from the subject property; and
  - (h) any other matter or information deemed necessary or relevant by the Zoning Commission for the proposed amendment.
- (3) Proposed Zoning Plan – In addition to the application required herein, fifteen (15) copies of a proposed Zoning Plan shall be submitted with

the application. The proposed Zoning Plan shall include in text and map form:

- (a) The size and location of the property to be rezoned;
- (b) A list and description of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated for the REC-1, S-1, S-2, C-1, C-2, C-3, M-1 and M-2 Districts in Section 3O2-01, except where they are specifically defined or limited in the Zoning Plan or this Zoning Code. Any listed use may be limited to specific areas delineated in the proposed Zoning Plan;
- (c) The general development character of the property proposed to be rezoned to this District, including the location of uses, overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setback requirements and other general development features including landscaping, screening and buffering from adjacent properties. The extent and intensity of said landscaping, screening and buffering may vary in density, spacing and other treatments to reflect variations in topography, existing landscaping and existing uses and planned uses set forth in the Violet Township Land Use and Transportation Plan;
- (d) General architectural design criteria for all structures and criteria for proposed signs and exterior lighting with proposed control features;
- (e) Proposed provisions for water, sanitary sewer, surface drainage and other utilities, including location of detention areas, with general engineering feasibility studies or other evidence of reasonableness;
- (f) The proposed traffic patterns showing points of ingress and egress, public and private streets, parking and loading areas and number of parking and loading spaces, walks, and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;
- (g) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
- (h) Location of open space areas, parks and other public facilities, if any;
- (i) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities and the

proposed maintenance plans for areas not being immediately developed;

- (j) The ability of the applicant or applicants to carry forth the Zoning Plan by control of the property proposed to be rezoned to this PBID and the engineering feasibility of the Zoning Plan; and
  - (k) Any additional information as may be required by the Zoning Commission.
- (4) Basis of Approval – In determining whether or not to approve an application for a PBID, 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 this Zoning Code;
  - (b) If the proposed development is in conformity with the Violet Township Land Use and Transportation Plan or portion thereof as it may apply;
  - (c) If the proposed development promotes the public health, safety, and general welfare of the Township and the immediate vicinity;
  - (d) If the proposed plan meets all of the design features required in this Code;
  - (e) If the proposed development is in keeping with the existing land use character and physical development potential of the area;
  - (f) If the proposed development will be compatible in use and appearance with surrounding land uses;
  - (g) If the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
  - (h) If the development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PBID without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
  - (i) If the development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township; and
  - (j) If the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PBID.



(5) Effect of Approval

- (a) The Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PBID permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Zoning Plan. However, in a PBID, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township a Development Plan for said part of said tract, and until the Development Plan is approved by the Township Trustees.
- (b) The approval of the Zoning Plan shall be for a period of ~~five~~ two (~~5~~2) years, or for such other period as set forth in the approved Zoning Plan, to allow the preparation of the required Development Plan. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Zoning Plan has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application for the Zoning Plan approval. This new application shall comply with the terms of the Zoning Code then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PBID. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Zoning Plan approval period.
- (6) Development Plan Required – In the PBID, no use shall be established or changed and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Township Trustees.
- (7) Development Plan – An application for approval of the Development Plan shall be filed with fifteen (15) copies of the Development Plan which 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;
- (c) Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale;

- (d) Boundary lines of the proposed development and the total acreage encompassed therein;
- (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 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 in developing the tract, indicating pipe sizes, grades and locations;
- (g) The adjoining lines of adjacent tracts, parcels or lots;
- (h) Existing zoning restrictions and deed restrictions, if any;
- (i) Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features;
- (j) Layout of proposed streets, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements;
- (k) Layout, numbering and dimensions of lots if more than one;
- (l) Layout, location, dimensions and architectural features of proposed structures;
- (m) 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;
- (n) Building setback lines with dimensions;
- (o) Tentative street grades and sewer size slope;
- (p) Traffic circulation, detailed off-street parking and loading plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, curb cuts, pedestrian walks and lane improvements on existing public roads;
- (q) Landscaping plans, including site grading and landscape design;
- (r) Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission;

- (s) Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;
  - (t) Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used;
  - (u) Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development;
  - (v) A detailed signage and exterior lighting plan;
  - (w) Intended measures to screen rooftop mechanical equipment from view;
  - (x) Accommodations and access for emergency and fire fighting apparatus;
  - (y) The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user; and
  - (z) Any additional information as may be required by the Zoning Commission.
- (8) Process For Approval – The application for the Development Plan approval shall be submitted to the Zoning Commission for hearing and recommendation. The Zoning Commission shall establish a date for the hearing which shall occur within forty-five (45) days after the filing of the complete application with the Zoning Inspector and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Zoning Commission shall make a recommendation for the approval, modification or denial of the application within one hundred eighty (180) days after the first hearing date. The recommendation shall be forwarded to the Board of Trustees. The Board of Trustees shall hold a hearing on the application within thirty (30) days after its receipt of the recommendation and shall give the applicant written notice at least ten (10) days before the date of the hearing. The Board of Trustees shall render a decision on the application within one hundred eighty (180) days after the first hearing date. The Development Plan shall be approved by the Board of Trustees if it is in accordance and consistent with the approved Zoning Plan relating to that part of said tract which is the subject of the Development Plan and with the PBID regulations set forth in Section 30. Upon the approval of the Development Plan, the tract which is the subject of said Development Plan may be used and developed consistent with the approved Zoning Plan and the Development Plan. The approval of the Development Plan shall be for a period of two (2)

years 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 certificate of zoning compliance. If no plat has been filed within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

- (9) Extension of Time for Development Plan – Upon application by the owner(s), the Board of Trustees may extend the two (2) year time limit provided by Section 304-01(8). Such extension may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Zoning Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the PBID.
- (10) Modification of Development Plan – An applicant seeking to modify an approved Development Plan shall file a new application for Development Plan approval utilizing the same procedures and criteria as established for the approval of the initial Development Plan.
- (11) Fees – A fee as established by the Board of Trustees shall accompany an application requesting approval of the Zoning Plan or Development Plan. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Violet Township in using professional consulting services to review the Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Zoning Plan or 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.

- (12) Phases – A project which is the subject of the Zoning Plan may be approved for development in phases. Each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Zoning Plan or absent an extension approved by the Board of Trustees, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 304-01(5). An application for Development Plan approval for each phase of a project shall be annotated as to the as built conditions and shall be supplemented with an updated construction schedule. The phasing schedule shall be fully described in the Zoning Plan in a manner sufficient to give Township officials guidelines for the timing of future phases.

**304-02:** Development Guidelines – The proposed development shall be designed in accordance with accepted planning principles, including the planning and development principles included 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 set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes and objectives of the Section as set forth above. To the greatest extent possible, the proposed development should be designed in an integrated fashion as a commercial, office or industrial park with a campus-like setting. It should incorporate substantial landscaping, vegetation and open space features, and it should include adequate buffering to minimize any undesired impacts on adjoining residential properties. The design of the proposed development should also take into account and be reflective of the following planning and development guidelines:

- (1) Access – The Zoning Plan should require frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Fairfield County Regional Planning Commission should be provided.
- (2) Setbacks and Yard Areas – The location and arrangements of buildings and structures within the PBID should be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure

convenient access within the area. When located contiguous to a residential district (R-1, R-2, R-3, R-7, R-8 or PD), no building should be constructed within fifty (50) feet of the perimeter property line of the contiguous property, and no parking should be constructed closer than thirty-five (35) feet to a contiguous property line.

- (3) 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 within the development and adjacent to it. 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 should 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.
- (4) Building Size – Building size should be limited in areas not conducive to absorbing the impacts associated with larger retail and commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. The applicant shall delineate any building size limitations as part of the Zoning Plan.
- (5) Tract Coverage – Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.
- (6) Lighting – Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. Lighting standards should be included in the Zoning Plan. A detailed lighting plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- (7) Signage – All signs and graphics within the PBID should be compatible in size, location, material, height, shape, color, and illumination. Sign standards should be included in the Zoning Plan. A sign plan for the entire PBID shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should

take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PBID, but do not contribute to environmental degradation. Ground signs should be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame should be compatible with the buildings, materials, and colors. A detailed sign plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.

- (8) Landscaping – All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. Landscaping standards should be included in the Zoning Plan. 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 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 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 should 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. The landscape treatment proposed to be provided should emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The landscape plan, to the extent practical, should preserve and be sensitive to the natural characteristics of the site. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they should 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 should 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. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.
- (9) Parking and Loading Areas – 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 Zoning Plan. A detailed off-street parking and loading plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. In preparing the parking plan, the provisions of Section 3X should, when appropriate, be incorporated.

Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area as well as those areas adjacent to the development.

- (10) Open Space – Open spaces should be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
- (11) Flood Plains and Environmentally Sensitive Areas – Flood plains should be protected from building or pavement encroachment. A riparian buffer should be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area should have a width of not less ~~then~~-~~than~~ fifty (50) feet as measured from the river or stream bank. This buffer area should 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 should be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area should have a width not less ~~then~~-~~than~~ twenty-five (25) feet, measured from the edge of the designated wetland. The buffer area should not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable.
- (12) Utilities – Centralized water supply and sanitary sewage disposal systems and stormwater management shall be provided, subject to the Fairfield County Sanitary Engineer, Fairfield County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines should be located underground.
- (13) 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.



- (14) 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.
- (15) Glare, Heat, and Exterior Light – Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other similar types of activities shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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.

**5. Section 3Q C-2 District – Limited Commercial**

*Section 3Q C-2 District – Limited Commercial shall be amended by revising and replacing that Section with the following:*

**3Q C-2 District - Limited Commercial**

**3Q1 Uses Permitted in C-2 District**

**3Q1-01:** The C-2 District is defined as an area reserved for general commercial and trade uses, both retail and wholesale, subject to the following limitations:

- (a) Each enterprise shall provide adequate space within solidly enclosed buildings for the storage of all merchandise which it may offer for

sale;

- (b) Merchandise may be displayed out of doors only during hours when the enterprise is open to conduct business unless the merchandise consists of horticultural products, including trees, shrubs, bushes, plants or flowers or other nursery products may be stored out of doors at all times.
- (c) Any enterprise which handles merchandise but does not offer it for sale, such as motor freight terminals, storage warehouses, distributing terminals, parcel services, etc., shall not be permitted.
- (d) Auction sales, as a regular means of conducting business, shall not be permitted.

**3Q1-02:** Restaurant facilities for the preparation and serving of food and beverages to the general public.

**3Q1-03:** Stations for the retail sale of motor fuels and the incidental sale of food and beverage products that are customarily handled by neighborhood convenience stores. This use does not include the provision of services for the repair, maintenance or storage of motor vehicles.

**3Q1-04:** Auto-Related Establishments

**3Q1-05:** All uses permitted in S-1, S-2, and C-1 Districts

**3Q1-06:** These and no other uses shall be permitted.

### **Conditionally Permitted Uses in C-2 Zoning District**

**3Q1-0607:** In addition, the following uses may be permitted in this District subject to the issuance of a Conditional Use Permit pursuant to the procedures contained in Section 3AA and Section VII of this Zoning Resolution:

- (1) Self Service Storage Facility

### **3Q2 Regulations Pertaining to Buildings and Land Use in C-2 District**

**3Q2-01:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in the adjacent areas.

**3Q2-02:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall

be provided, with the exception of the following:

- (a) driveways for ingress and egress;
- (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;
- (c) signs not over four (4) square feet for direction of traffic only;
- (d) solid fences no higher than three (3) feet above road grade;
- (e) plantings no higher than three (3) feet above road grade;
- (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
- (g) utility easements for the erection of public utility poles, hydrants, etc;
- (h) sidewalks.

**3Q2-03:** No building or projection thereof, or any other structure, nor any advertising sign shall be erected closer than eighty-five (85) feet to the center line of any public right-of-way, in any case no closer than fifty (50) feet to the road side line, nor closer than fifty (50) feet to the district boundary line, except as noted in paragraphs 3Q2-04 and 3Q2-05.

**3Q2-04:** Open canopies and their structural supports, intended to provide protection from the weather for customers and guests, may be erected as close as five (5) feet to the road side line but in no case closer than fifty (50) feet to center line of right-of-way. Advertising signs and devices, identifying the goods sold or the services rendered on the property, may be installed on or atop of such canopies.

**3Q2-05:** No setback from district boundaries shall be required when this district's boundaries adjoin the boundaries of a commercial or manufacturing district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.

**3Q2-06:** Enclosed buildings which exceed forty (40) feet in height shall be located no closer than one hundred (100) feet to road lines and district boundary lines. The exceptions permitted in paragraph 3Q2-05 apply.

**3Q2-07:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage shall be no greater than:

Less than 130 feet frontage - 1  
driveway 130 feet to 300 feet frontage

- 2 driveways  
300 feet to 500 feet frontage - 3  
driveways More than 500 feet  
frontage - 2 driveways

**3Q2-08:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3Q2-09:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to C-2 Districts.

**3Q2-10:** Any property within the C-2 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

**3Q2-11:** Each lot in a C-2 District containing an Auto-Related Establishment shall contain a minimum of .5 acre but no more than 5 acres.

**3Q2-12:** Each lot in a C-2 District containing an Auto-Related Establishment shall adjoin, in whole or in part, commercially zoned property on at least three sides and have road frontage on and direct access to a major collector or higher functional class road as defined by Ohio Department of Transportation.

**3Q2-13:** All motor vehicle repair work, except emergency repairs, shall be carried on in a totally enclosed building or structure.

**3Q2-14:** Automobiles for sale or lease by a State of Ohio-licensed motor vehicle dealer (as that term is defined in Chapter 4517 of the Ohio Revised Code), and automobiles for rent by an automobile rental agency may be stored out of doors at all times.

**3Q2-15:** Except as specifically permitted in this Zoning Resolution, where located contiguous, abutting, or adjacent to a residential district, there shall be no structures, parking, or storage in the open within fifteen (15) feet of the property line.

### **3Q3 Some Uses Not-Permitted**

**3Q3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in

the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

- 3Q3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.
- 3Q3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.
- 3Q3-04:** Permanent or mobile structure for residential use.
- 3Q3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, vibration, odor, dust, smoke, gas, glare, electrical interference, tainted effluent, or other nuisances detectable to normal senses off the lot.
- 3Q3-06:** Any enterprise which involves the manufacture or fabrication of raw or semi-finished products into other semi-finished or finished products, or which changes or alters materials in any manner, shall be considered an industrial enterprise and as such shall not be permitted in a C-2 District.
- 3Q3-07:** Outdoor storage of any goods, materials, or merchandise that is discarded, unused, broken, scrap, and/or damaged, including, but not limited to, vehicle parts, tools, components, containers, trash, and debris.
- 3Q3-08:** Automotive body shops, including, but not limited to, those performing collision repairs, refinishing, major mechanical or body work, straightening of body parts, painting, or welding, unless all on-site vehicles that are damaged or in the process of being serviced are stored completely inside an enclosed building or structure.
- 3Q3-09:** Storage outside of an enclosed building or structure of any visibly damaged motor vehicle, recreational vehicle, boat, trailer, motorcycle, motorized bicycle, or all-terrain vehicle.

**6. Section 3T M-2 District - Limited Manufacturing**

*Section 3T M-2 District - Limited Manufacturing shall be amended by revising and replacing that Section with the following:*

**3T M-2 District - Limited Manufacturing**

**3T1 Uses Permitted in M-2 District**

**3T1-01:** Permit privately owned facilities for all types of manufacturing, warehousing, and logistics~~without exception~~. Manufacturing is defined as an activity whereby materials are formed, mixed, assembled or otherwise altered in shape, composition or appearance to produce products of greater value in the market place than the original material.

**3T1-02:** Permit airports and heliports, which comply with all regulations of federal and state aviation agencies.

**3T1-03:** All uses permitted in R-5, S-1, S-2, C-1, C-2 and M-1 Districts.

**3T1-04:** These and no other uses shall be permitted.

### **3T2 Regulations Pertaining to Building and Land Use in M-2 District**

**3T2-01:** All buildings shall be erected on solid foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in the adjacent areas.

**3T2-02:** All manufacturing activities and all storage, handling and warehousing of materials and products shall be within buildings.

**3T2-03:** There shall be no limit on the area of buildings used for office, manufacturing, handling and warehouse activities.

**3T2-04:** This district shall front upon, or have legal access to, a public right-of-way.

**3T2-05:** Along all road frontages extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:

- (a) driveways for ingress and egress;
- (b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;
- (c) signs not over four (4) square feet for direction of traffic only;
- (d) solid fences no higher than three (3) feet above road grade;
- (e) plantings no higher than three (3) feet above road grade;
- (f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;
- (g) utility easements for the erection of public utility poles, hydrants, etc;
- (h) sidewalks.

- 3T2-06:** Buildings or projections thereof used to house the typically office functions or any other structure, or any advertising sign, shall be erected no closer than eighty-five (85) feet to the center line of a public right-of-way, but in no case closer than fifty (50) feet to a roadside line nor closer than fifty (50) feet to a district boundary line.
- 3T2-07:** Building or projection thereof used to house the manufacturing, storage, warehousing or laboratory activities shall be erected no closer than two hundred eighty-five (285) feet to the center line of a public right-of-way, but in no case closer than two hundred fifty (250) feet to a road side line nor closer than two hundred fifty (250) feet to a district boundary line.
- 3T2-08:** No setback shall be required for structures of any height where this district's boundaries adjoin the boundaries of another manufacturing or commercial district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.
- 3T2-09:** Any structure located closer than one hundred fifty (150) feet to a road or district boundary line shall be limited to one story and twenty (20) feet in height above finished grade.
- 3T2-10:** Any structure located more than one hundred fifty (150) feet from a road or district boundary line shall be limited to fifty (50) feet in height above finished grade, except as permitted in paragraph 3T2-11.
- 3T2-11:** Any structure located more than two hundred fifty (250) feet from a road or district boundary line shall be unlimited in height except as otherwise restricted by law.
- 3T2-12:** Water towers, pump houses, sewage treatment plants and similar plant facilities may be located as close as ten (10) feet to the district boundary lines but in no case closer than fifty (50) feet to public right-of-way, only on the condition that such location is dictated by engineering requirements. Such uses are subject to Conditional Zoning Certificate which may be granted by the Board of Zoning Appeals without public hearing and without application fee.
- 3T2-13:** Driveways at the point of entry to roads or streets shall be no greater than thirty-five (35) feet in width and no closer than fifty (50) feet to intersection road lines or another driveway.
- 3T2-14:** For each individually owned property the total number of driveways entering public roads or streets, along each road frontage, shall be no greater than:
- Less than 130 feet frontage – 1 driveway  
 130 feet to 300 feet frontage – 2 driveways  
 300 feet to 500 feet frontage – 3 driveways  
 More than 500 feet frontage – 4driveways

**3T2-15:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3T2-16:** The screening and landscaping requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to M-2 Districts.

**3T2-17:** Any property within the M-2 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

### **3T3 Some Uses Not Permitted in M-2 District**

**3T3-01:** Yards for storage of scrap or used materials, junk yards, or automobile graveyards are not permitted. On any lot or unit of property, the storage in the open of unlicensed motor vehicles shall be limited to not more than one (1). Storage in the open of a larger number of unlicensed motor vehicles is permitted only in M-3 Districts in this township and shall be expressly prohibited in all other districts. Unlicensed motor vehicles, including tractors and farm implements, which are used for agricultural purposes as defined by the laws of Ohio, are exempt from this paragraph. Recreational vehicles and boats (including boat trailers) are included in the definition of "motor vehicles" and they may not be stored closer than fifteen feet (15') to any property line, even if licensed.

**3T3-02:** Reduction or incineration of garbage, materials, debris, offal or dead animals.

**3T3-03:** Storage in the open for more than thirty (30) days of materials, debris, tools larger than hand tools, containers, or equipment that is incompatible with the normal residential use of property is not permitted, except during the construction of buildings or facilities, and except for permitted agricultural purposes.

**3T3-04:** Permanent or mobile structure for residential use.

**3T3-05:** Any enterprise or activity which is noxious or offensive by reason of noise, dust, smoke, gas or tainted effluent.

## **7. Section 3U M-3 District - Unlimited Manufacturing**

*Section 3U M-3 District - Unlimited Manufacturing shall be amended by revising and replacing that Section with the following:*

### **3U M-3 District - Unlimited Manufacturing**

#### **3U1 Uses Permitted in M-3-District**



**3U1-01:** Permit privately owned facilities for all types of manufacturing, warehousing, and logistics. Manufacturing is defined as an activity whereby materials are formed, mixed, assembled or otherwise altered in shape, composition or appearance to produce products of greater value in the market place than the original material.

**3U1-02:** All uses permitted in S-1, S-2, C-1, C-2, C-3, M-1 and M-2 Districts.

**3U1-03:** All other lawful uses not specifically defined and permitted in the sections of this Code or not specifically prohibited in Subsection 3U3.

**3U1-04:** These and no other uses shall be permitted in this district.

### **3U2 Regulations Pertaining to Building and Land Use in M-3 District**

**3U2-01:** The installation of manufacturing equipment in the open and the storage and handling of materials and products in the open shall be permitted subject to the limitations stated in paragraphs 3U2-05, 3U2-06 and 3U2-07.

**3U2-02:** Any property within the M-3 District shall front upon, and have access to an improved, public road or street. Such road frontage shall be no less than one hundred twenty-five (125) feet.

**3U2-03:** Along all road frontages, extending fifty (50) feet from the center line of right-of-way, but in no case less than five (5) feet from the road side line, shall be a clear strip of land upon which no building, structure, sign or any other thing shall be erected nor any automobile parking space shall be provided, with the exception of the following:

(a) driveways for ingress and egress;

(b) floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road;

(c) signs not over four (4) square feet for direction of traffic only;

(d) solid fences no higher than three (3) feet above road grade;

(e) plantings no higher than three (3) feet above road grade;

(f) trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet;

(g) utility easements for the erection of public utility poles, hydrants, etc.

(h) sidewalks.

**3U2-04:** All manufacturing equipment, and all raw materials and finished products directly related to the manufacturing process, which are unhoued, shall

be located no closer than three hundred eighty-five (385) feet to the center line of a public right-of-way, nor closer than three hundred fifty (350) feet to a road side line or a district boundary line.

- 3U2-05:** Specifically excepted from the provision in paragraph 3U2-04 are obsolete vehicles, machinery, and other equipment and materials not used or usable for the purposes for which they were originally designed, or which are being held as sources for parts, or which are being reclaimed for scrap. These shall be screened from view by a solid fence not less than twelve (12) feet in the height, such fence to be constructed in its entirety of the same type of material and painted the same color and maintained in such condition as will not detract from the neighborhood properties. In lieu of a solidly constructed fence, the Zoning Commission prefers and will approve evergreen plantings of sufficient thickness to adequately screen the materials. In either case, such fence shall be located no closer than five hundred (500) feet to the M-3 District boundary lines.
- 3U2-06:** All other lawful uses not specifically included in paragraphs 3U2-03 and 3U2-05 or in other sections of this Code, shall be located no closer than five hundred (500) feet from the M-3 District boundary lines.
- 3U2-07:** Except for the restrictions in paragraphs 3U2-05 and 3U2-06, no setback shall be required where this district's boundaries adjoin the boundaries of another manufacturing or commercial district, a railroad right-of-way or a limited access highway, except as otherwise restricted by law.
- 3U2-08:** Any structure located closer than one hundred fifty (150) feet to a road or district boundary line shall be limited, to one story and twenty (20) feet in height above finished grade.
- 3U2-09:** Any structure located more than one hundred fifty (150) feet from a road or district boundary line shall be limited to fifty (50) feet in height above finished grade, except as permitted in paragraph 3U2-11.
- 3U2-10:** Any structure located more than two hundred fifty (250) feet from a road or boundary line shall be unlimited in height except as otherwise restricted by law.
- 3U2-11:** Water towers, pump houses, sewage treatment plants and similar plant facilities may be located as close as ten (10) feet to the district boundary lines but in no case closer than fifty, (50) feet to a public right-of-way, only on the condition that such location is dictated by engineering requirements. Such uses are subject to Conditional Zoning Certificate which may be granted by the Board of Zoning Appeals without public hearing and without application fees.
- 3U2-12:** Driveways at the point of entry to roads or streets shall be no greater than thirty-five (35) feet in width and no closer than fifty (50) feet to intersection road lines or another driveway.

**3U2-13:** For each individually owned property the total number driveways entering public roads or streets, along each road frontage, shall be no greater than:

- Less than 130, feet frontage - 1 driveway
- 130 feet to 300 feet frontage - 2 driveways
- 300 feet to 500 feet frontage - 3 driveways
- More than 500 feet frontage - 2 driveways

**3U2-14:** There shall be adequate space for parking of automobiles. Each such parking space shall be shown on plans submitted with application for a Zoning Permit. All parking and loading spaces shall conform to the provisions of Section 3X of this Zoning Resolution.

**3U2-15:** In addition to the screening and landscaping requirements and conditions contained in paragraph 3U2-05 hereof, the requirements and conditions of Section 3E2-10 of this Zoning Resolution shall apply to M-3 Districts.

### **3U3 Specific Uses Not Permitted in M-3 District**

**3U3-01:** Dwellings of any type of human habitation.

**3U3-02:** Recreation uses as defined and permitted in REC-1 District.

## **8. Section 3V PD District - Planned Residential District**

*Section 3V PD District - Planned Residential District shall be amended by revising and replacing that Section with the following:*

### **3V PD District - Planned Residential District**

#### **3V1 Objectives for Planned Residential District**

**3V1-01:** It shall be the policy of the Township of Violet to promote progressive and orderly development of land construction thereon by encouraging Planned Residential Districts to achieve:

- (a) a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and acre requirements;
- (b) a more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience and neighborhood compatibility in the location of accessory commercial uses and services;
- (c) a development pattern, which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;

- (d) a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets.

**3V1-02:** Because of the special characteristics of Planned Residential Districts, special provisions governing the development of land for this purpose may be required. Whenever there is a conflict or difference between the provisions of Section 3V and those of other sections of this Zoning Code, the provisions of this section shall prevail for the development of land for Planned Residential Districts. Subjects not expressly covered by Section 3V shall be governed by the respective provisions found elsewhere in this Zoning Code that are most similar to the proposed use.

### **3V2 Uses Permitted in PD District**

**3V2-01:** Land and buildings in the Planned Residential District (PD) shall be used only for the following purposes:

- (A) Residential Development - residential use developed in a unified manner in accordance with the approved Development Plan;
- (B) Neighborhood Commercial - the following uses shall be permitted in the Planned Residential District in those areas specifically designated in the approved Development Plan and Subdivision Plat as commercial areas:
  - (1) Retail Stores - retail stores primarily, engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods, such as:
    - (a) hardware stores
    - (b) grocery stores
    - (c) meat and fish (seafood) markets
    - (d) fruit stores and vegetable markets
    - (e) candy, nut and confectionery stores
    - (f) dairy products stores
    - (g) retail bakeries
    - (h) drug stores
    - (i) florists
  - (2) Personal Services - personal services generally invoking the care of the person or his personal effects, such as:

- (a) restaurants
  - (b) self-service laundries
  - (c) beauty shops
  - (d) barber shops
  - (e) dry cleaning stores
  - (f) gymnasiums, health clubs, and similar facilities for exercise and physical development
- (3) Business and Professional Offices - business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers.
- (4) Professional Offices engaged in providing tangible and intangible services to the general public involving both persons and their possessions, such as:
- (a) commercial and stock savings banks
  - (b) insurance agents, brokers and service
  - (c) real estate agents, brokers and managers
  - (d) law offices
  - (e) offices of physicians and surgeons
  - (f) offices of dentists and dental surgeons
- (C) Accessory Buildings - accessory buildings and uses in association with and consistent with a permitted dwelling including office facilities for the management function, including property sales, necessary to the development and operation of the area included in the Development Plan.

Such other facilities including recreation facilities as may be provided for the use and/or the amenities of the occupants of the dwellings and provided that such facilities are an approved part of the Development Plan.

- (D) Public Service Facilities - Schools and Parks, neighborhood police stations and fire stations provided that such public service facilities are an approved part of the Development Plan.

Public and private schools offering general educational courses and having regularly used for housing or sleeping of students.

Parks, playgrounds and play fields open to the public without fee.

- (E) Religious Facilities – church or place of worship, provided it is situated on an area equal to not less than one acre of land per one hundred (100) seats or similar accommodations contained in the main sanctuary or assembly area.

### **3V3 Procedure for Amending to PD District**

**3V3-01:** The following procedure shall be followed in amending the Zoning map of Violet Township to place land in the Planned Residential District.

(A) Preapplication Meeting - The applicant is encouraged to engage in informal consultations with staff from the Township (which may include no more than 2 members of the Zoning Commission) -and the Fairfield County Regional Planning Commission prior to formal submission of an application for an amendment of the Zoning Code. At the preapplication meeting, the applicant is encouraged to provide a draft sketch plan of the proposed project for informal, preliminary review. No statement or action by Township or County officials 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.

(B) Submission of Application

- (1) The owner(s) of a tract of land twenty-five (25) acres or more in area may request that the Zoning Map be amended to include such tract in the Planned Residential by filing three (3) copies of an application for such amendment with the Violet Township Zoning Commission, which Application shall contain:
- (a) name, address and telephone number of applicant;
  - (b) name, address and number of registered surveyor and engineer assisting in the preparation of the Development Plan;
  - (c) legal description of the property;
  - (d) description of existing uses;
  - (e) present zoning district;
  - (f) a vicinity map at a scale approved by the Zoning Commission showing relationship of Planned Residential District to the existing streets and public service facilities in the area;
  - (g) a list of all owners of property which is contiguous to the subject property; and

- (h) any other matter or information necessary and relevant to the Zoning Commission for the proposed amendment
  - (2) The tract may be reduced to not less than ten (10) acres where the proposed development is to consist of only single family dwellings;
  - (3) There is no minimum tract size if all adjacent and contiguous lands are platted or developed
- (C) Development Plan - In addition to the Application required herein, ten (10) copies of a Development Plan should be submitted with the Application. The Development Plan shall include in text or map form.
- (1) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units or each density area, and the total number of dwelling units proposed in the Development Plan;
  - (2) The proposed size, location and use of nonresidential portions of the tract, including useable open areas, parks, playgrounds, school sites and other areas and spaces with the suggested ownership of such areas and spaces;
  - (3) The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness;
  - (4) The proposed traffic circulation patterns, including public streets, parking areas, walks and other accessways, indicating their relationship to topography, existing streets or showing other evidence of reasonableness; together with a calculation by a registered professional surveyor of the total acreage included within the public rights-of-way for purposes of calculating permissible net density pursuant to 3V3-02(aA) and (bB).
  - (5) The proposed approximate schedule of site development, construction of structures, and associated facilities. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets and easements. This schedule need not set forth a precise timetable, but shall provide reasonable guidelines and parameters of the time contemplated to the extent known or reasonably determined by the Applicant;
  - (6) The relationship of the proposed development to existing and future land use in the surrounding areas, the street system, community facilities, services and other public improvements;
  - (7) Evidence that the applicant has sufficient control over the land to effectuate the proposed development Plan. Evidence of control

includes property rights and the engineering feasibility data, which may be necessary;

- (8) The number and general location of all off street parking facilities.
- (9) A general statement of the height of and physical relationship between structures, and sketches or other evidence of the general design principles and concepts to be followed in site development, construction, landscaping and other features.

(10) Evidence that the applicant has made efforts to preserve and retain existing natural features on the land including, but not limited to, woodlands, natural foliage, waterways, and/or wetlands. It is recommended that these efforts include a plan for the installation and maintenance of adequate signage indicating the natural feature(s).

~~(10)~~ (11) The applicant may request a divergence from the development standards set forth in Section 3V. An applicant making such a request shall specifically and separately list each requested divergence and the justification ~~therefore—~~for each requested divergence 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 3V and the Development Standards applicable to all zoning districts, as set forth in the Violet Township Zoning Code.

In considering requests for divergences, the Zoning Commission and Board of Trustees may evaluate the persuasive value of any and all justifications and information presented, both in favor of and against the justification for any divergence, regarding such requests. Requests for divergences are considered on a case-specific basis and may be granted in the sole discretion of the Board of Trustees. Except as required under applicable law, the granting of a divergence is not binding precedent in a future, unrelated application.

~~(D) C~~ Basis of Approval: A Planned Residential District application for amendment may be approved if the proposed development advances general health, safety and welfare of the Township in that the benefits, improved arrangements and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution as provided in Section 3V1-01 and:

- (1) If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.



- (2) If the proposed plan meets all of the design features required in this Code.
- (3) If the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (4) If the proposed development will be compatible in use and appearance with surrounding land uses.
- (5) If the proposed development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.
- (6) If the proposed development contains a nonresidential component (i.e. commercial, institutional or public service facilities), ~~is~~ the nonresidential component shall be compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing and proposed residential uses in the development area.
- (7) Such other considerations which may be deemed relevant by the Board of Trustees. In approving the Application and Development Plan, the Board of Trustees may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the PD.

~~(DE)~~ Effect of Approval:

- (1) The Development Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the Planned Residential District permitting development and use of said land and any structures thereon in accordance with development standards contained in said Plan. However, in a Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered on any part of said tract, until there is submitted to the Township Trustees a Subdivision Plat for said part of said tract, and until the Plat is approved by the Township Trustees and recorded in accordance with law.

The approval process for the Development Plan requires public hearings before the Zoning Commission and the Board of Trustees in accordance with Section IX. The approval process for the Subdivision Plat requires a public hearing noticed by publication before the Board of Trustees who shall determine, prior to the filing of the Subdivision Plat for record with the county recorder, whether the Subdivision Plat complies with the approved Development Plan. Thereafter, variances from the approved Subdivision Plat that involve five lots or fewer shall be considered by the Board of Zoning

Appeals under its hearing process under Section VII hereof. All other modifications to the Plan or the Plat shall be presented to the Board of Trustees for its consideration pursuant to 3V3-01(F).

- (2) The approval of the Development Plan shall be for a period of ~~five~~ two (~~25~~) years or for such other period as set forth in the approved Development Plan to allow for the preparation and recording of the required Subdivision Plat for the tract of land encompassed within the Development Plan, or if to be developed in phases, for the preparation and recording of the required Subdivision Plat for the first phase of development on said tract. Unless the Board of Trustees approves an extension of this time limit, upon the expiration of such period, the Development Plan shall become null and void and no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed in accordance with Section IX and approved by the Township. Such application for approval shall be subject to the same procedures and conditions as an original application for the Development Plan approval. This new application shall comply with the terms of the Zoning Code then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the Planned Residential District. In addition, the Township Board of Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Development Plan approval period.
- (3) Upon written request by the owner(s) submitted to the Township prior to the expiration date, the Board of Trustees may extend the time limit provided by Section 3V3-01 (~~DE~~)(2). Such extension may be given upon a showing of the purpose and necessity for such extension and upon a showing that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Development Plan, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of the Planned Residential District.

~~(EF)~~ Plat Required

In the Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered until the required Subdivision Plat has been approved by the Township Trustees and has been recorded in accordance with the Subdivision Regulations for Fairfield County, Ohio. The Subdivision Plat shall be in accord with the approved Development Plan and shall show or include, or other evidence as hereinafter provided shall show or include:

- (1) site arrangement, including building sites, sizes of building and height of buildings; water, sewer and other public utility installations,

including sanitary sewage, surface drainage and waste disposal facilities; public and private street rights-of-way, easements and walks; school sites, recreation areas and other land to be dedicated to public use, including the purpose and intent of such dedication; and the land to be commonly owned and maintained;

- (2) the nature and extent of earthwork required for site preparation and development;
- (3) deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

Any of the foregoing requirements for said Plat which need not be shown on a plat under the subdivision regulations of Fairfield County, Ohio, may be illustrated and evidenced by other documents, plans or agreements, including but not limited to building permit plans or site plans and copies of recorded deeds, easements or other instruments in the chain of title to said property in which event such other evidence shall be considered a part of the aforesaid plat for purposes of this ordinance and shall be as binding on the owner as though included in said plat.

The plat shall be approved by the Township Trustees if it is in accordance and consistent with the part of the approved Development Plan relating to the part of said tract the subject of the Subdivision Plan and with the Development Standards provided in Section 3V3-02. At the time of the Approval and recording of the Subdivision Plat, and thereafter the tract which is the subject of said Plat may be used and developed consistent with the Development Plan and the recorded Subdivision Plat.

(FG) Upon application by the owner(s), the Board of Trustees, at a duly noticed public hearing, may modify the approved Development Plan or Subdivision Plat. Written notice of the hearing shall be mailed by the Township, by first class mail, at least ten (10) days before the date of the hearing to all owners of property within, contiguous to and directly across the street from the area proposed to be modified. Additional means of notification may also be required by the Board of Trustees. Such modification may be given upon a showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original Development Plan, and that such modification is not in conflict with the general health, safety and welfare of the public or the development standards of the Planned Residential District.

(GH) Public Hearings - the Development Plan shall be approved only after the public hearings, required by Section IX of this Code and the laws of Ohio, have been advertised and conducted in accordance with law.

### **3V3-02: Development Standards**

The following minimum standards for arrangement and development of land and buildings are required in the Planned Residential District.

- (A) Intensity of Use – The maximum net density shall be two (2) living units per acre, average for the area in the Planned Residential District to be devoted to residential use, as hereinafter defined, and as shown on the Development Plan;
- (B) Calculation of Density - the calculation of residential density shall include all land devoted to residential use, including easements for utilities directly serving individual dwelling units, minor surface drainage channels, recreation space and other areas provided as common open space including land dedicated to public use except required street rights-of-way.
- (C) Open Space – a minimum of ~~fifteen-thirty~~ percent (~~1530~~%) of the total gross acreage of the PD shall be provided as open space for public use, organized, arranged and restricted by easement, covenant, deed or dedication, and not included in the minimum yard space required for the dwelling unit or used to provide the required off-street parking.
  - (1) For purposes of this calculation, ‘public use’ shall be those areas devoted to open space designed to provide active or passive recreation, the preservation of natural site amenities, or any combination thereof. The buildings, structures or facilities, if any, built in the open space shall be appropriate for the designed uses of the open space and shall occupy no greater than five percent (5%) of the total gross acreage of the PD. Public utilities, public easements, rights-of-way for roads, flood plains, flood ways, and rights-of-way or easements for watercourses, ditches or drainage shall not be included in the calculation of open space unless such land is improved with walking trails, bicycle paths or similar purposes for public enjoyment.
  - (2) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 50 feet, measured from the river or stream bank. All perennial streams shall be located within areas designated as open space. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area and capable of maintaining the structural integrity of the stream banks.
  - (3) A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corps of Engineers or the Ohio EPA. The buffer area shall have a width not less than 25 feet, 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.
  - (4) A pedestrian circulation plan, showing all proposed trails and walkways designed for the use of residents shall be provided. The plan

shall be reviewed for the ability to provide all residents with reasonable access to common areas.

- (5) The responsibility for the maintenance of all open spaces shall be specified by the developer in the text that is part of the Development Plan. Legal title to the open space shall either be in the name of the developer for the benefit of the residents or shall be conveyed to the homeowners' association with deed restrictions that it be used only for permitted open space uses. The legal documents that reflect this ownership and maintenance responsibility are to be filed with the Development Plan and are subject to the approval of the Zoning Commission and the Trustees.

(6) Trees shall not be planted within any public road right-of-way including, but not limited to, in tree lawns located within the public road right-of-way.

- (D) Arrangement of Areas – the location and arrangement of various residential lots and dwellings within the Planned Residential District (PD) shall be configured in a manner that provides a reasonable transition of residential density from the contiguous areas located within an R-1, R-2, R-7 or PD District that have been previously developed or platted. Issues that may be properly considered by the Zoning Commission and the Board of Trustees include:

- (1) If the contiguous property on any boundary of the PD has been previously developed, or if a final plat for development of that property has been approved and filed with the Fairfield County Recorder, the perimeter lots or living areas of the PD which are contiguous with such previously developed or platted property shall conform to the minimum lot area, yard and setback standards of the zoning district applicable to that contiguous property, subject to the exceptions contained in Sections 3V3-02(D)(2) through (4), below.
- (2) In no event shall buildings in the PD District be situated closer than fifty feet (50') to contiguous property which is zoned R-1, R-2, R-7, whether or not developed or platted. If the contiguous property is also zoned PD, the rear setback shall be no less than the rear setback in that previously zoned PD.
- (3) Previously developed or platted areas that are separated from the PD by a public right-of-way that is fifty feet (50') or more in width shall not be considered to be contiguous properties for purposes of this Section 3V3-02(D).
- (4) If the PD provides for a landscaped buffer area of at least one hundred feet (100') in depth along the perimeter of the areas which are contiguous to the previously developed or platted areas, the restrictions of Section 3V3-02(D)(1), above, shall not apply. The

landscaped buffer areas referred to herein may be either an area dedicated to public use or a “no-build” area restricted by the recorded plat and/or appropriate covenants in the deeds of conveyance to the individual property owners of the residential units in those perimeter areas.

- (5) “Perimeter lots or living areas” is defined for this Section as those areas within the PD District that are within one hundred feet (100’) of the PD’s property line that is immediately adjacent to or contiguous with property located in the R-1, R-2, R-7 or PD District.
- (E) Yards - unless otherwise provided on Development Plan and the Subdivision Plat, the physical relationship of dwelling units and their minimum, yard space shall be determined by the yard requirements contained in the other sections of this Zoning Code which would otherwise be most appropriate for the dwelling type involved in the absence of the PD District.
- (F) Private Roads and Parking Private roads as a common easement may be used to provide access to clustered lots and/or structures in accordance with the following:
  - (1) The easement shall not be counted as required open space;
  - (2) Such easement has been approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

Residential parking may be provided in group garages or parking lots within two hundred (200) feet of the dwellings served. Curb indented parking bays or courts may be provided within the street rights-of-way but in addition to the required roadway.

Such parking shall be permitted only along streets internal to the area and not a major thoroughfare. For each living unit there shall be provided not less than four hundred (400) square feet of off street parking space for motor vehicles.

- (G) Unless specifically supplemented by the standards contained in Section 3V or those standards approved by a divergence, the development shall comply with all additional zoning requirements applicable to all zoning districts as set forth in this Zoning Resolution.

(H) Condition of Approval. Unless otherwise excluded by resolution approved by the Board of Trustees, any real property that is located in a PD and that is not exclusively residential shall not be included in an Application and Development Plan unless such property is located in a joint economic development district created under Section 715.72 of the Ohio Revised Code (a “JEDD”) and in which Violet Township is a contracting party.

**3V4-01:** Flood Plains - nothing contained in this Section 3V shall be construed or interpreted to change the uses permitted in F District property, and the provisions of Section 3G (F District - Flood Plain) shall govern all F District property, even such property is included in the Planned Residential District.

**3V5-01:** An applicant for PD approval may request a divergence from any development standard or other requirement set forth in Section 3V from the Board of Trustees. An applicant making such a request shall specifically and separately list each requested divergence and the justification ~~therefore~~ for each requested divergence on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.

In considering requests for divergences, the Zoning Commission and Board of Trustees may evaluate the persuasive value of any and all justifications and information presented, both in favor of and against the justification for any divergence, regarding such requests. Requests for divergences are considered on a case-specific basis and may be granted in the sole discretion of the Board of Trustees. Except as required under applicable law, the granting of a divergence is not binding precedent in a future, unrelated application.

## 9. Section XI Definitions

*Section XI shall be amended to include the following definitions, inserted in alphabetical order:*

Addition – a part added to a building either by constructing so as to form one architectural whole, or by joining, as by a passage, so that each is a necessary adjunct or appurtenance of the other or so that they constitute the same building.

Breezeway – a roofed, weather-protected, nonhabitable passageway connecting two structures. For example, a screened-in Florida room between a house and a garage.

Motor Vehicle – (as defined in Ohio Revised Code Section 4501.01 or its analog) any vehicle that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. Motor vehicles include, but are not limited to, cars, trucks, boats, trailers, campers, recreational vehicles, motor homes, motorcycles, and autocycles.

*Section XI shall be amended to include the following sentence at the end of the definition of “Agriculture”:*

Agriculture shall not include the operation or maintenance of a commercial stockyard, feedyard, slaughterhouse, or kill plant.

*End of Zoning Amendment text*