

Held October 13, 2021Page 1
20

Call to Order and Roll Call

The Concord Township Board of Trustees met in special session on Wednesday, October 13, 2021 at 6:00 p.m. at the Concord Township Community Building, 6385 Home Road, Delaware, Ohio. Chairman Bart Johnson called the meeting to order and the roll was called; attending were Trustees Bart Johnson, Joe Garrett, and Jason Haney. A sign-in sheet was provided for guests.

The purpose of the meeting was for the continuation of the September 10, 2021 special meeting for zoning application #ZC012021 for proposed text amendments to the current Zoning Resolution and Comprehensive Plan.

Testimony

Zoning Commission Chairperson, Connie Resanovich, shared that all amendments were detailed in handouts provided to the Trustees. The Commission looked at areas impacting the township and held workshops during 2020. They also received resident input, and obtained outside legal consultation on the amendments. The text amendments were unanimously recommended by both the Delaware County Regional Planning Commission and the Concord Township Zoning Commission.

In summary the text amendments included, but are not limited to:

- Eliminating planned residential conservation districts and/or conservation subdivisions in both Zoning Resolution and Comprehensive Plan.
 - Changing “apartments” to “multi-family” dwellings, reducing from five to four dwelling units per building unless a divergence requested, and removing the hotel reference.
 - Removing reference of densities higher than 1.5 units per gross acre in the planned residential district.
 - Updating Comprehensive Plan data per Regional Planning current data, current personnel, and land use facts.
- Complete proposed text amendments are in the attached ZC012021 BZC document.

Discussion

The Board discussed Planned Residential Conservation Districts, and noted there currently is not a sewer system that allows it. It was also noted maps in the Comprehensive Plan need updated.

Public Comment

Andrea Yagoda, 7598 Concord Road, discussed the removal of the reference of densities more than 1.5 units per acre, and does that allow any higher amount with divergences. The Trustees could approve more density. The maximum density would be 1.5 units per gross acre unless a divergence approved.

Action

After review of all proposed text amendments recommended by the Concord Township Zoning Commission, and prior review by Delaware County Assistant Prosecuting Attorney Eric Penkal, Mr. Haney moved and Mr. Garrett seconded to adopt (Resolution #21-1013-1) all proposed amendments to the Concord Township Zoning Resolution (Code) and Concord Township Comprehensive Land Use Plan as detailed in the attached document “ZC012021 BZC Proposed Amendments”. Upon roll call vote: Haney-yes, Garrett-yes, Johnson-yes. Motion passed.

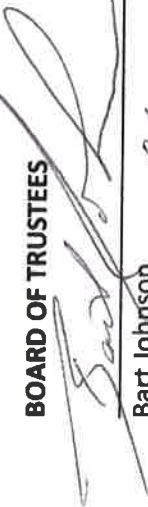
Adjournment

With no further business, Mr. Garrett moved and Mr. Johnson seconded to adjourn. Vote: Haney-yes, Garrett-yes, Johnson-yes. Meeting adjourned.


ATTEST


Fiscal Officer, Jill Davis

BOARD OF TRUSTEES


Bart Johnson


Joe Garrett


Jason Haney

RECORD OF PROCEEDINGS

Minutes of

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____

20____

29-21 ZON Concord Twp. Zoning Commission – zoning resolution and comprehensive plan amendment

Request

The Concord Township Zoning Commission has initiated several changes to its Zoning Resolution and Comprehensive Plan as summarized below:

Zoning Resolution

- Striking Article VII - Planned Residential Conservation District (PRCD) and internal references to them;
- Deleting Conservation Subdivisions from the Definitions;
- Changing the definition of Multi-Family Dwelling as a building with no more than 4 dwelling units, reduced from 5 as currently written;
- Adding detail to the definition of a Two-Family Dwelling;
- In the Planned Residential District, removing any reference of densities higher than 1.5 units per gross acre;
- Removal of reference to “Apartment Hotel” in the definition of Hotel;
- Changing all references of “Apartments” or “Apartment Complex” to “Multi-Family;”

Comprehensive Plan

- Updating current Township personnel;
- Updating Land Use Facts as provided by DCRPC;
- Removal of all references to Conservation Subdivisions, both as a zoning tool and as a general concept;
- Addition of language stating increased traffic as a concern;

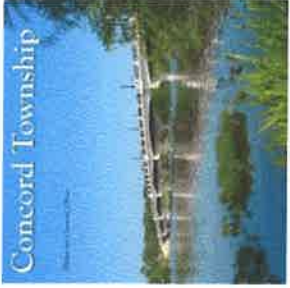
Staff Comments: *These amendments are reasonable and based on recent changes in the Township. Although there have been several Sketch Reviews of Conservation Subdivisions, none proceeded through the Zoning Commission and Trustees and none appear on the Zoning Map. The PRCD was a “by-right” overlay and “density-neutral,” requiring a yield plan or allowing a density of .75 units per acre. While initially promising, waste disposal has been the limiting factor for Conservation Subdivisions. Future subdivision development in Concord Township will be limited to the Planned Residential District.*

Staff Recommendations

Staff recommends **Approval** of the amendments to the Concord Township Zoning Resolution and Comprehensive Plan to the DCRPC, Concord Twp. Zoning Commission and Concord Twp. Trustees.

Commission / Public Comments

Mr. Boysel made a motion to recommend Approval of the amendments to the Concord Twp. Zoning Resolution. Mr. Rayburn seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.



Concord Township
Zoning Department
Administrative Building
6385 Home Road
Delaware, Ohio 43015
740-881-5338
www.concordtwp.org

August 11, 2021

CONCORD TOWNSHIP TRUSTEES
6385 HOME ROAD
DELAWARE OH 43015

RE: Application ZC012021

Dear CONCORD TOWNSHIP TRUSTEES,

On August 03, 2021, the Concord Township Board of Zoning Commission (BZC) held a Public Hearing to consider an Application designated as ZC012021, Concord Township Board of Zoning Commission initiated proposed text amendments to the current Zoning Resolution and/or Comprehensive Plan.

The BZC held several workshops and received a remarkable amount of public feedback, which geared many of the proposed text amendments. The BZC discussed and agreed with most of the public input and approved the text amendments to the Comprehensive Plan and Zoning Resolution as listed in the attachment. The BZC would like to publicly thank all of the residents who attended the workshops and gave their input for the betterment of the township and its future growth. The BZC would like to encourage continued resident participation in the future.

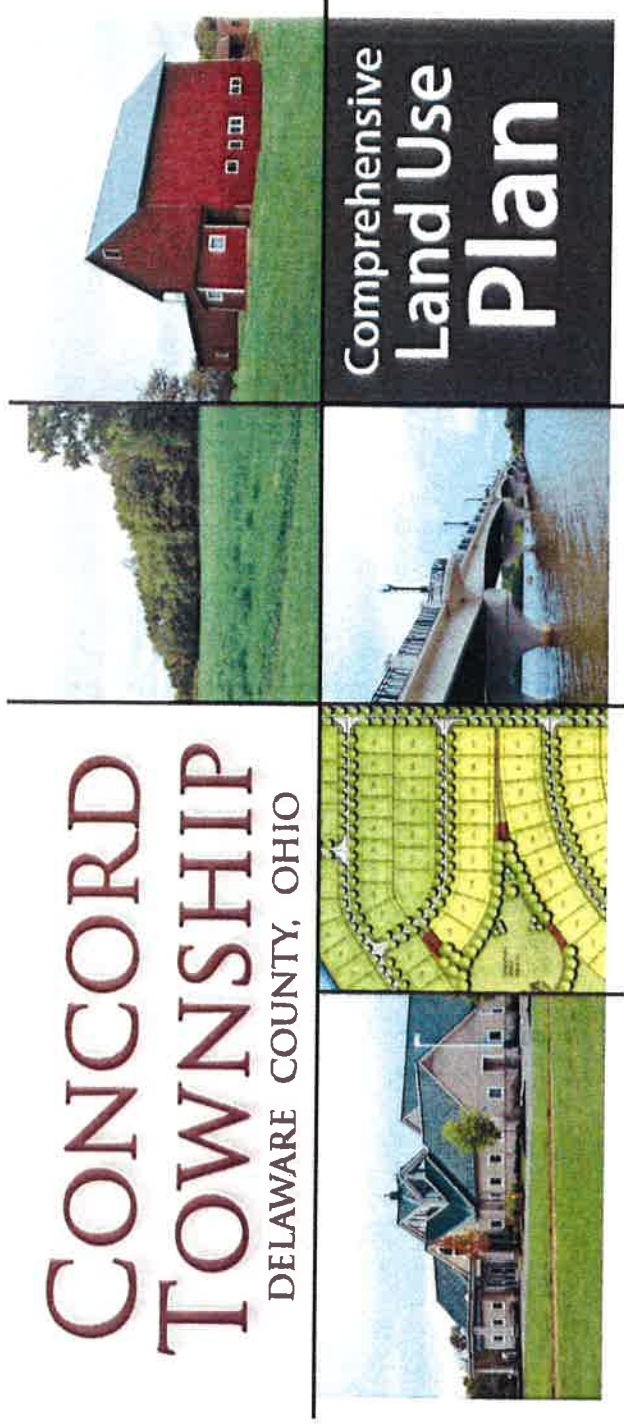
As such, let it be said that, after hearing all of the evidence and testimony regarding Application ZC012021, the Concord Township Zoning Commission moved to recommend approval of Application ZC012021. This is to certify that the motion was made and seconded and there was a unanimous vote to recommend Approval to the Trustees. Per R.C. 519.12, please note that the Trustees shall hold their final public hearing within thirty (30) days of receipt of this recommendation.

Respectfully,

Connie Resanovich, Chair
Board of Zoning Commission
CR/ae

ZC012021 BZC Proposed Amendments
Concord Township Comprehensive Plan

1. Main page -Update: with amendments effective month day, 2021



Adopted January 25, 2016
with amendments effective May 11, 2018
with amendments effective Month Day, Year

Prepared by
Delaware County Regional Planning Commission
Delaware, Ohio

2. Second page -Updates:

- a. Update the date of the amendments (as of ~~June, 2018~~ Month, 2021)
- b. Update the date, Board of Zoning Commission (~~2018~~ 2021)
- c. Delete: ~~Virginia Farneman, Mike Hamilton, alternate, Steve Smith, Vice Chair~~
- d. Update: Darin Hilt, ~~alternate~~-Vice Chair
- e. Include: Jeremy Tiller, Mark Mullen, alternate
- f. Update the date, Board of Zoning Appeals (~~2018~~ 2021)
- g. Delete: ~~Nick Cua, Chair~~
- h. Update: John Kipfer, Chair, Eric Van Meter, alternate
- i. Delete: ~~Comprehensive Plan Steering Committee; Manu Bhatt, Eric Crawford, Nick Cua, Gary Davis, Derek Gareau, Bob Grant, Cyndie Lasher, Jon McCann, Betsy Moffitt, Connie Resonovich, Steve Smith, Darren Webb, Gary Zwolinski~~

Concord Township

(as of ~~June, 2018~~ Month, 2021)

Concord Township Trustees (2015)
Joe Garrett Bart Johnson Karen Koch

Concord Township Trustees (2016 adoption)
Joe Garrett Jason Haney Bart Johnson

Fiscal Officer
Jill M. Davis

Concord Township Zoning Commission (~~2018~~ 2021)
Gary Davis

~~Virginia Farneman
Mike Hamilton, alternate
Stephen Pierce
Connie Resanovich, Chair
Steve Smith, Vice Chair
Darin Hilt, alternate Vice Chair
Jeremy Tiller
Mark Mullen, alternate~~

Board of Zoning Appeals (~~2018~~ 2021)

~~Nick Cua, Chair
John Kipfer, Chair
Eric Van Meter, alternate
Bob Nagode
Doug Smith
Darren Webb, Vice Chair~~

Zoning Inspector
Ric Irvine

~~Comprehensive Plan Steering Committee~~

~~Manu Bhatt Eric Crawford
Nick Cua Gary Davis
Derek Gareau Bob Grant
Cyndie Lasher Jon McCann
Betsy Moffitt Connie Resonovich
Steve Smith Darren Webb
Gary Zwolinski~~

3. Concord Township 2015: Land Use Facts and Issues, updated 2021 -Update page iii:

- a. ▪ The Township population ~~is~~ was estimated at 10,301 in 2015 and 11,978 in 2021.
- b. ▪ Population grew 107% between 1990 and 2000, 127% between 2000 and 2010, and 28% between 2010 and 2020.
- c. ▪ Building permits peaked at 410 in 2003. After posting only 40 in 2009, the average since has been about 70.

As shown in the table below, building continued to be strong until a slight dip in 2014-2017. Growth in the last three years has taken place mostly at Scioto Ridge Crossing, Clark Shaw Moors, Heather Ridge, the Cottages at Hyatts, and Courtyards at River Bluff.

Building Permits	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Single-Family	61	64	63	46	29	31	31	44	119	114	145
Multi-Family	3	11	20	21	3	8	0	26	66	41	67

- d. ▪ Single-family uses make up 37% of the land in the Township, or 5,282 acres (2015). **Residential uses are 41% of the Township, or 5,556 acres (2021).**

4. Concord Township 2015: Land Use Facts and Issues -Update page iv:

- e. ▪ Housing mix is roughly ~~37-63~~ 3,481 single-family structures and **355 497** multi-family units (multi-family includes single-unit condos). ~~addresses in 160 buildings~~.
- f. ▪ Four school districts are located in the Township. Dublin is to the south, with one elementary located within the Township and an elementary and middle school located in Dublin, within Delaware County. Olentangy, to the east, is mostly built-out, with roughly 151 developable acres. Except for a small area in Delaware Schools, the remainder of the Township is in the Buckeye Valley District. B.V. owns a 23-acre site on Hyatts Road. **Buckeye Valley sold its property on Hyatts Road which is under construction for 54 single-detached condo units. The district bought just under 40 acres of land north of Bellepoint and built a new elementary school.**

g. ▪ ~~Road improvements are scheduled (or underway) at Home Road/Section Line/Riverside Drive and at Harriott Road/Concord Road.~~ (Completed)

- h. ▪ In 2007, developers started construction of the Lower Scioto Treatment Plant which is now owned by the County. At current construction, the plant could treat 1.4 million gallons per day, with design for expansion to a maximum capacity of 2.8 million gallons per day. **The plant has been completed and now accepts wastewater from Scioto Reserve, as well as other areas that are served by sewer west of Steitz Road. The pump station located at the intersection of Butts Road and Riverside Drive sends**

effluent west toward the treatment plant. The current usage is .102 million gallons per day, or about 7.2% of current capacity.

i. • Future land use: the planning process has so far indicated the need for a business and commercial corridor along U.S. 42, ~~“Scioto Reserve similar” densities on the east side of the reservoir, an opportunity to redevelop the correctional facilities at Home Road and Dublin Road into a mix of residential and non-residential uses, and the possibility of allowing a higher-density condominium transitional use bordering the Lower Scioto Treatment Plant, as long as it is blended into the surrounding development. The state facilities located at Home and Dublin Roads were purchased in June, 2015 and the buildings demolished. The city may use the site for a future water treatment plant. This reduces the area proposed for non-residential development that was shown on the previous Comprehensive Plan.~~

j. • **In 2018, just under 35 acres was rezoned along Dublin Road north of Cook Road for self-storage.**

k. • U.S. 42 is a busy two-lane federal highway with heavy truck traffic that has not become **impacted with commercial development**. ~~Access management practices that limit curb cuts can help prevent the deterioration of this important highway as the area develops.~~

5. Vision Statement -Update second & third paragraphs page vi:

The existing character of the township will be maintained by agriculture as long as it is economically viable. When agriculture is no longer viable, open space should be preserved by large lots, ~~conservation subdivision developments~~, and ~~by~~ flexible Planned Residential Developments that include open space. Existing roads should generally remain two-lane roads while maintaining or enhancing safety, and have a rough edge, with fencing that reminds of the agricultural heritage. Significant natural landscaping should replace fence/tree rows if they are removed.

Sensitive environmental aspects (ravines, floodplains, jurisdictional wetlands, waterways, etc.) should be preserved as the township develops. “Special places” such as forested lands, open meadows and creek-side trails can be preserved within ~~conservation and~~ planned subdivisions. Historic and/or significant agricultural structures that give a sense of our heritage should be preserved as part of new developments.

6. Zoning Districts, Acreage, % Land -Update page 25:

PRCD, Planned Residential	0	0%
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7. Observations on Existing Land Use and Current Development Patterns -Update page 31:

~~21) In 2005, the Township adopted a Conservation Subdivision overlay at roughly a "density-neutral" yield, or .75 units per acre, encouraging developers to use a lower density while providing flexibility in lot size.~~

8. Current Conditions: Housing -Update page 43:

Landowners served by centralized sanitary sewer may apply for Planned Residential District (PRD) zoning, which permits a variety of housing types, (single family detached, single family attached, ~~modular, cluster-manufactured homes, patio homes and common wall homes~~ and multi-family housing). Minimum PRD square footages for single family houses are ~~1,000~~ 1,500 square feet; multi-family minimum square footages are 800, 950, and 1,000 square feet respectively for 1, 2, or 3 bedrooms ~~apartments~~. Densities for PRDs are ~~generally 1.5 units per gross acre, but may be increased up to 3 units per gross acre if certain "quality standards" are met.~~

9. Concord Township Park -Update second paragraph, last two sentences page 53:

The township ~~recently~~ acquired a 31-acre parcel, formerly the Training Center, adjacent to the park. This will ~~potentially~~ provide additional park acreage as well as ~~the new location for the township fire department a location for township facilities.~~

10. Fire Protection -Update last paragraph, page 64:

The Township ~~is~~ has replaced ~~ing~~ its 40-year-old fire station which sustained wind damage in 2013. ~~Officials are currently reviewing designs for a~~ The new fire station ~~to be built~~ is located on the former State of Ohio property at 7990 Dublin Road, adjacent to the Concord Township Park and Township Hall property.

11. Township Roads -Update first paragraph page 69:

Township Roads

The Township currently maintains 139 (one hundred, thirty-nine) roads, of which thirteen are major or minor collectors. These represent a total of 46 miles of township roads. According to the Delaware County Engineer, all township and county local and collector roads should be at least 20 feet of surface width with an additional shoulder of five to seven feet. Many county and township roads do not



South Section Line Road at Highlands Drive.

meet this standard. **The concern is that high density development will negatively impact the road system, traffic flow, and rural character of the area. The infrastructure on the west side of the river is comprised of small two lane township roads, two bridges and more conducive to the rural character with low density.** County standards permit a Low Volume, Low Density (LULD) road width of 18' of pavement within a 50 foot right of way provided that there are no more than 15 homes served, and no possibility of future connection.

Concord Township zoning and County subdivision regulations also allow for frontage to be provided on a Common Access Driveway (CAD). The CAD is (current regulations) a 12 foot wide gravel surface driveway within a 60 foot wide easement. The CAD may serve 3 lots, or up to 5 lots if two frontage lots satisfy the full frontage requirement on an adjacent public road, but take access from the CAD. The CAD is intended to be a relief valve for odd shaped or environmentally constrained land where a typical road, or an LULD would be economically unfeasible.

12. Preserving Rural Character- Community Choices -Update second paragraph page 104:

Clearly, part of what makes the township desirable is the vision there will always be some permanent, interconnected open space and natural lands throughout. When agriculture changes to other land uses, this rural character will be lost unless **conservation open space and natural land** areas are preserved by future development patterns.

13. Cluster Subdivisions -Update page 106:

Over the past few years, several townships have adopted a "net" density calculation within their PRD standards, resulting in a hybrid model that does not require the typical 50% open space of a Conservation Subdivision (see next section) but results in open space of a higher quality.

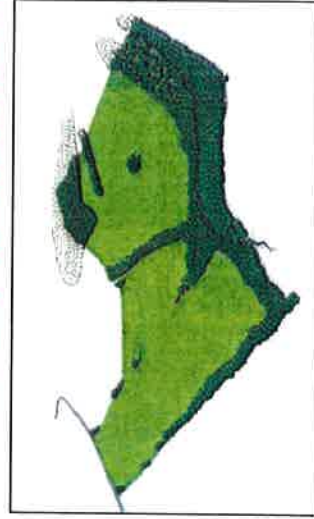
14. Delete Conservation Subdivisions, pages 107-108:

Conservation Subdivisions

Conservation Subdivisions are a form of rural cluster subdivisions where natural features and environmentally sensitive areas are excluded from development and preserved. Homes are clustered in the remaining areas. The term "Conservation Subdivision," as coined by author Randall Arendt (*Conservation Design for Subdivisions*, 1996, Island Press) requires the following elements:

- 50% or more of the buildable land area is designated as undivided permanent open space.
- The overall number of dwellings allowed is the same as would be permitted in a conventional subdivision layout based on an alternative "yield plan".
- Primary Conservation Areas are protected as open space and may be deducted from the total parcel acreage, to determine the number of units allowed by zoning on the remaining parts of the site. Primary conservation areas are highly sensitive resources that are normally unusable, such as wetlands, steep slopes, and floodplains.
- Secondary Conservation Areas are preserved to the greatest extent possible. Secondary conservation areas are natural resources of lesser value such as woodlands, prime farmland, significant wildlife habitats, historic, archeological or cultural features, and views into or out from the site.
- Compact house lots are grouped adjacent to the open space.
- Streets are interconnected to avoid dead ends wherever possible.
- Open space is interconnected and accessible by trails or walkways.

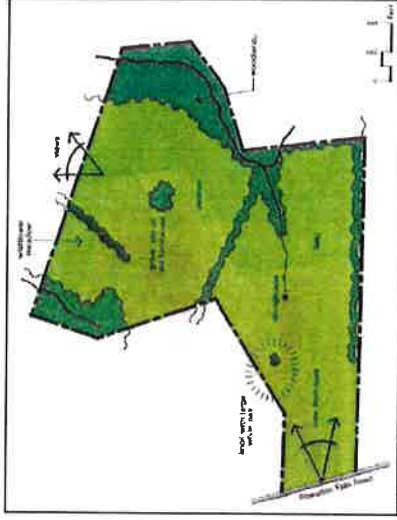
The Conservation Subdivision concept can be best described by looking at images showing different outcomes based on whether conservation standards were used or not:



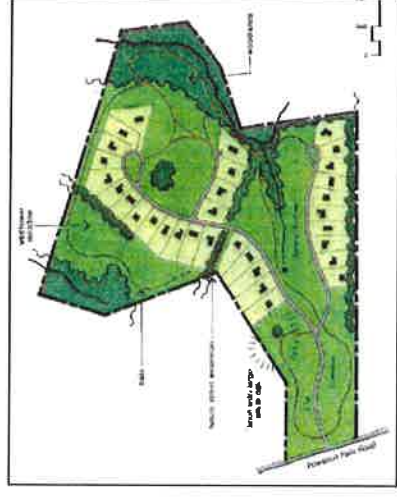
Site before development.



Typical layout with acreage lots.



Identifying conservation areas.



End result, same number of houses.

Concord Township took the additional step in 2005 when it included the Conservation Subdivision standard in its zoning code. It was adopted pursuant to Section 519.021 (C) of the Ohio Revised Code, which is the "floating cloud" provision. This process overlays the Planned Residential Conservation Subdivision standards across all land zoned FR-1. It is a permitted use with the submission and approval of a development plan that meets a number of standards. The basic of these include:

- ~~Ten acre project minimum size;~~
 - ~~Open space requirement of 50%, 50% of which shall be suitable for active recreation purposes;~~
 - ~~Density of 75 units per gross acre if sewer is available;~~
- ~~Additional density to 85 units per acre if natural features make up less than 30% of the site and the developer has to create such features. Also, open space may be reduced to 40% in such cases.~~

15. Smart Growth - Update first paragraph page 112:

Smart Growth encourages the location of stores, offices, residences, schools and related public facilities within walking distance of each other in compact neighborhoods. The popularity of many smart growth concepts has captured the interest of the press as well. Smart growth incorporates ~~many of the concepts of~~ **conservation subdivisions preserving open spaces and natural areas** in rural areas, and TNDs in urban areas. See Figure 13.1 for a comparison of common elements of smart growth versus sprawl.

16. Vision Statement for Future Development of Concord Township -Update second & third italicized paragraphs page 122:

The existing character of the township will be maintained by agriculture as long as it is economically viable. When agriculture is no longer viable, open space should be preserved by large lots, ~~conservation subdivision developments, and by flexible Planned Residential~~ Developments that include open space. Existing roads should generally remain two-lane roads while maintaining or enhancing safety, and have a rough edge, with fencing that reminds of the agricultural heritage. Significant natural landscaping should replace fence/tree rows if they are removed.

Sensitive environmental aspects (ravines, floodplains, jurisdictional wetlands, waterways, etc.) should be preserved as the township develops. "Special places" such as forested lands, open meadows and creek-side trails can be preserved within ~~conservation and~~ planned subdivisions. Historic and/or significant agricultural structures that give a sense of our heritage should be preserved as part of new developments.

17. Goals and Objectives for Future Development, Natural Resources, Goals - Update items five and seven page 123:

To preserve scenic views, where feasible, as open space within Planned Residential Developments ~~or Conservation Subdivisions.~~

To link Planned Residential Developments (PRDs) and **Conservation Subdivisions** other **residential areas** with common green spaces and paths.

18. Subarea II – Shawnee Heights, Description -Update last sentence page 128:

There are few large tracts of land, suggesting that any future development will be limited. Any developments with access to sewer, leading to smaller lots should provide open space and

mitigate its impact on roads and other services. ~~Conservation Subdivisions are a permitted use at .75 units per acre.~~

19. Subarea III – West Scioto, Description -Update last sentence page 130:

The 1,000 acres of active farmland north and south of Moore Road and west of Dublin Road is a potential target for a master-planned development, which would have a significant impact on existing roads, as well as on other township, county, and educational services. Development should include ample open space and mitigate impact on roads and other services. ~~Conservation Subdivisions are a permitted use at .75 units per acre.~~

20. Subarea IV – Lower Scioto, Description -Update last sentence page 133:

Powell has annexed a small portion of Concord Township just east of Scioto Reserve on the south side of Home Road and is developing it at similar densities to Scioto Reserve. ~~Conservation Subdivisions are a permitted use at .75 units per acre.~~

21. Subarea V – Upper Scioto, Description -Update second paragraph page 134:

There are areas of active farmland that ~~could be potential PRD or Conservation Subdivision land. Approximately 400 acres~~ lie north of Bean Oller, south of Maynard, and east of Section Line Road. ~~Conservation Subdivisions are a permitted use at .75 units per acre.~~

a. Action Steps -Update second sentence page 134:

~~Conservation Subdivisions are encouraged at a density of .75 dwelling units per acre with sanitary sewer service as allowed in the zoning code.~~

22. Subarea VI – Mill Creek Valley, Description -Update page 136:

~~Conservation Subdivisions are a permitted use at .75 units per acre.~~

ZC012021 Proposed Amendments Concord Township Zoning Resolution

TABLE OF CONTENTS

23. Update page 3:

<u>ARTICLE VII</u>	
Planned Residential Conservation District (PRCD)	
Section 7.01 Purpose.....	29
Section 7.02 Overlay Area.....	29
Section 7.03 Effect of PRCD Overlay Designation.....	29
Section 7.04 Permitted Uses.....	30
Section 7.05 Designing a Conservation Subdivision.....	30
Section 7.06 Procedure to Create a Conservation Subdivision.....	31
Section 7.07 PRCD Development Plan Standards.....	34
Section 7.08 Ownership and Maintenance of Open Space.....	38
Section 7.09 Extension of Modification of Final Development Plan.....	40

DEFINITIONS

Update page 11:

24. Conservation Subdivision: A residential community where typically half of the buildable land area is designated as undivided, permanent open space. This result is achieved by designing compact neighborhoods with smaller lots, with the goal of having at least eighty-five (85) percent of the homes being afforded a direct view of the open space.

Update page 12:

25. Dwelling Unit, Common Wall Single Family Attached: Type of residential construction characterized by a side by side common vertical firewall separating housing units, where no more than four (4) units are attached in a group.

26. Dwelling, Multi-Family: A residential building arranged or designed for no more than four (4) ~~five (5) or more~~ dwelling units as separate and complete housekeeping units. The residential building characterized by one or two side by side shared common vertical firewall(s) separating housekeeping units, where no more than four (4) units are attached in a group.

27. Dwelling, Two Family: A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units living independently of each other. The structure characterized by one side by side common vertical firewall separating housing units, where no more than two (2) units are attached in a group.

Update page 14:

28. Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Update page 18:

29. Secondary Conservation Areas: Land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection; historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads and other reasons. ~~Secondary conservation areas are those selected areas to be saved in a conservation subdivision in addition to the primary conservation areas.~~

30. Article V Section 5.01 Zoning Districts -Update page 21:

~~PRCD —Planned Residential Conservation District~~

31. Section 6.031 - TELECOMMUNICATIONS TOWERS Update page 24:

Towers Permitted: Limitations - Public utilities or other functionally equivalent telecommunications providers may site a telecommunications tower as a permitted use in any zoning district except those expressly zoned for residential use. The areas zoned for residential use shall be deemed to be all land located within the following districts: ~~Planned Residential and Conservation District (PRCD)~~, Farm Residential (FR- D), Residential 2 (R-2), Multi-Family (R-6), and Planned Residential (PRD).

32. Delete Article VII Planned Residential Conservation District pages 29-41:

~~Article VII-PLANNED RESIDENTIAL CONSERVATION DISTRICT (PRCD)~~

Section 7.01 — PURPOSE: The Planned Residential Conservation District (PRCD) is created pursuant to Section 519.021 (C) of the Ohio Revised Code to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development. The PRCD achieves this purpose by allowing the development of conservation subdivisions that:

- a) — permanently preserve and integrate open space within residential developments;
- b) — offer landowners alternatives to standard tract development of their land;
- c) — establish a less sprawling, more efficient use of land, streets and utilities;
- d) — preserve natural topography in wooded areas;
- e) — create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- f) — encourage creativity in design through a controlled process of review and approval of the development plan and related documents.

Section 7.02 — OVERLAY AREA: The PRCD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes and overlays all land that is currently zoned Farm Residential (FR-1) on the effective date of this amendment to the Concord Township Zoning Resolution. The effective date of the amendment referenced in this Section is June 27, 2005.

Section 7.03 — EFFECT OF PRCD OVERLAY DESIGNATION: All land currently zoned Farm Residential (FR-1) is eligible for PRCD overlay zoning as of the effective date of this amendment and as also shown on the Concord Township Zoning District Map dated June 27, 2005, which map is hereby adopted as the official Zoning District Map as part of this amendment.

The Farm Residential Zoning District and the zoning regulations thereunder shall continue to apply to all property within the PRCD unless the Township approves an application of an owner of property within the FR-1 District to subject the owner's property to the provisions of the PRCD.

Such an application shall be made in accordance with the provisions of Article VII of the Concord Township Zoning Resolution and shall include a development plan in compliance with the provisions of said Article.

Upon receiving such an application, the Township shall determine whether the application and development plan comply with the provisions of Article VII. This determination shall not be considered to be an amendment to the Township zoning resolution for purposes of §10.12 of the Ohio Revised Code, but may be applied pursuant to Chapter 2.506 of the Revised Code.

If the Township makes a final determination that the plan included in the application does not comply with the IRCD regulations of Article VII of this Resolution, the Commission shall deny the application. The applicant can file a 25th appeal pursuant to ORC §19.021 (C).

If the Township determines that the application and development plan comply with the provisions of Article VII, it shall approve the application and cause the zoning map to be changed so that the Farm Residential District no longer applies to such property, with the property being thereafter located in the R2CD and subject to the regulations thereunder. The approval of the application and development plan and the removal of the prior Farm Residential Zoning District from the zoning map is an administrative matter and shall not be considered to be an amendment to the General Township Zoning Resolution.

Section 7.04 – PARALLEL LINES

- 1) Single family detached residential dwelling units;
- 2) Common wall single family attached dwellings;
- 3) Two family dwellings;
- 4) Multi-family dwellings provided they comprise no more than twenty (20) percent of the total allowable density;
- 5) Open Space Upon approval of the final development plan by the Township, the following types of activities are permitted within open space, including but not limited to:
 - a) Breeze, basketball, backball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, skateboarding, fishing, bird watching, horseback, canoeing, rowing, jogging, walking, gardening, and bicycling. If open space is intended to be used as a commercial venture, it shall be so stated in the development plan and approved by the Township. All open space lands shall be permanently owned or provided in Section 7.08.
 - b) Accessory service buildings and structures incidental and pertinent to permitted uses in paragraph a) above, where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.
 - c) Natural (Open Space) Area restricted to passive uses such as fishing, swimming, biking, canoeing, and such other recreation that does not alter any of the natural features of the area. Agriculture may be used as natural open space provided it does not permit hog operations, poultry, fire heating, farms or feed lots.

Section 7.05 – DESIGN A-1 A conservation subdivision is an open space development designed in accordance with the following suggested process:

A. Suggested Design Process:

- 1) Delineate primary conservation areas. Preserve as natural open space.
- 2) Delineate secondary conservation areas, preserve selected areas as common (improved) or natural open space.
- 3) Draw house footprints outside the conservation areas. Draw the number of houses based upon the permitted density calculations with lot lines.

B. Suggested Design Guidelines:

- 1) In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. Avoid new construction on prominent hillsides or ridges.
- 2) Front dwellings on internal roads, not on external roads.
- 3) Eighty-five (85) percent or more of the total number of house lots should have a direct view of common open space.
- 4) Retain or replant native vegetation adjacent to wetlands and surface waters.
- 5) Preserve existing hedge and tree lines to the extent practicable.
- 6) Preserve scenic views and vistas.
- 7) Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
- 8) Preserve historic or archaeological sites (i.e. earthworks, burial grounds).
- 9) Landscape or retain vegetation in common areas with native trees and shrubs.
- 10) Place shade trees along internal roads at fifty-foot intervals on at least one side of the road.
- 11) Provide active recreational areas in suitable locations.
- 12) Include a viable pedestrian circulation system, meeting a minimum of a five (5) foot wide asphalt bike and walking path throughout the development.
- 13) Protect natural drainage swales and creeks. No construction of buildings inside the 100-year floodplain.
- 14) Provide perimeter open spaces surrounding Section 7.07-D.

Section 7.06 - PROCEDURE TO CREATE A CONSERVATION SITE DIVISION:

- A. Prepare an Existing Features (Site Analysis) Map.
- B. Submit Existing Features (Site Analysis) Map without fee. The applicant shall submit the existing features (site analysis) map for a tract(s) of land to be considered as a conservation subdivision with the Concord Township Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout.
- C. On-Site Walkabout. The applicant, the Zoning Inspector, one member of the Zoning Commission and one member of the Board of Township Trustees may visit and view the site, at which time the primary and secondary conservation areas shall be identified. Members of the public in attendance wishing to walk the site shall execute a release of liability in favor of the Township, the applicant and the property owner.
- D. Conceptual Development Plan. At the completion of the on-site walkabout a conceptual development plan should be quickly sketched on the existing features (site analysis) map by the applicant or his consultant for impromptu comments from those in attendance. Based upon such comments, a formal development plan can be prepared for public hearing. No binding decisions or votes are made at the on-site walkabout.

E. Prepare Application and Final Development Plan. Applicant shall prepare and submit a formal application and final development plan, with fifteen (15) copies and fees, to the Concord Township Zoning Commission. The Zoning Commission shall schedule a public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The failure of delivery of such notice shall not invalidate any action taken on the application. The Zoning Commission may request the Delaware County Regional Planning Commission (DCRPC) to comment. The DCRPC's review is administrative. The Zoning Commission's review is also administrative.

The applicant may, if he chooses, submit a preliminary development plan to test the appropriateness of his design and his general attention to the development standards of Section 7.07 prior to submitting a final development plan. Such preliminary development plan may be reviewed by the Zoning Commission and/or the Trustees, who may comment on the record to the applicant. If the Township holds public hearings to review the preliminary development plan they shall comply with Ohio's open meeting law and abutting property owners shall be notified.

The final Development Plan shall be drawn to a scale of at least 1" = 100', and shall include in text and map form the following:

- 1) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
- 2) A preliminary drainage plan with a letter of feasibility from a licensed professional engineer.
- 3) An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually preserve the required open space.
- 4) The proposed uses of the site, including the limitations or controls to be placed on each.
- 5) All design guidelines from Section 7.05.
- 6) Location of buildings and structures.
- 7) Streets, roadways, pathways, sidewalks and parking areas.
- 8) Existing utility easements and proposed new easements to the extent known.
- 9) Proposed lot sizes.
- 10) Minimum setback and spacing requirements.
- 11) Recreational facilities.
- 12) Preserved open space areas and a description of proposed open space improvements.
- 13) All commonly owned structures.
- 14) A landscape plan that depicts and identifies all proposed landscaping and entrance features, including those specified herein. The landscape plan shall identify typical elevations and cross sections of landscape features, with the names of plants, shrubs or trees intended to be used.
- 15) Dwelling unit types, the total number of dwelling units proposed for the site density, and the method and manner used to calculate density.
- 16) Primary conservation areas as defined in Article IV.
- 17) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown. No structure taller than approved drainage structures as shown on The Development

Plan of other approved structures, such as a park shelter house, shall be consistent with the limits of the 101-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Delaware County.

18) The extent of environmental conservation by indicating the location of all wetland preservation areas and natural topography preservation areas.

19) Architectural design guidelines including materials, colors and typical renderings for structures and proposed procedures for submitting architectural design elements.

20) Signs with specific renderings of the elevations.

21) The proposed provisions for water supply, fire hydrants, sewage disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.

22) A preliminary traffic impact analysis based upon new trip generation.

23) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

24) Identification and location of all land dedicated to schools, parks and other public facility sites within or adjacent to the site.

25) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities. If the proposed timetable for development includes developing the land (including open space) in phases, all phases shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

26) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

27) Unless specifically superseded by the standards contained in Article VII or those standards approved in the Development Plan, the development shall comply with the requirements contained in the General Development Standards contained in Article XXI of this Resolution applicable to all zoning districts of the Concord Township Zoning Resolution. Except for density and the percentage of required open space, the applicant may request a divergence by the Township from the development standards set forth in Article VII or Article XXI. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved "per plan."

28) Deed restrictions, protective covenants, and other legal statements or devices 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 as well as the open space.

29) The various plans that make up the Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.

F. **Public Hearing**—The Concord Township Zoning Commission, after giving proper notice, shall hold a public hearing on the request within a reasonable period of time after receipt of the application, final development plan and submission of fees.

G. **Action by the Concord Township Zoning Commission**—The Concord Township Zoning Commission may approve divergences they find are warranted by the design and amenities incorporated in the development plan. The Zoning Commission shall recommend approval of the application for the PRCD and final development plan provided it determines that the application and plan comply with the standards of Section 7.07 and the process of Article VII. If the Zoning Commission finds that the development plan does not meet the standards of Section 7.07 and the provisions of Article VII, or that divergences requested are not warranted, they shall deny the plan or the divergences. This completes the Zoning Commission's action, and they shall forward the development plan to the Township Trustees for their review.

H. **Action by the Concord Township Trustees**—Upon receipt of the development plan and the Zoning Commission's recommendations, the Trustees shall hold a properly advertised public hearing. Notice of the hearing shall be given to directly abutting property owners by regular mail. The Trustees can either uphold, modify, or overturn the recommendation of the Zoning Commission. A simple majority is required by the Trustees to uphold or modify the Zoning Commission's recommendation. A unanimous decision of the Board of Trustees is required to overturn the Zoning Commission's recommendation.

I. **Subdivision Plat**—No zoning certificate shall be issued for any structure in any portion of a PRCD for which a plat is required by the Delaware County Subdivision Regulations unless and until:

1. The final subdivision plat for that portion has been approved by the Delaware County Regional Planning Commission, the Delaware County Commissioners and then recorded.
2. A full size and an 11" x 17" copy of the recorded plat have been filed with the zoning inspector.

No modification of the provisions of the final Development Plan or part thereof as finally approved shall be made unless the provisions of subsection 7.09 are followed. The applicant shall submit the subdivision plat to the Zoning Inspector for review in order to assure the notes and agreed conditions on the Development Plan are not compromised by final engineering.

F. Zoning Certificate—After the Final Development Plan is approved and any required final Subdivision Plat is recorded, the Zoning Inspector may issue a zoning permit upon payment of the required fees and submission of the detailed landscaping plan for each lot. The zoning permit for a PRC D development shall be for a period not to exceed three (3) years or that period approved in the final development plan. If significant construction, meaning the physical placement of foundations, has not begun within three (3) years after final development plan approval is granted or within the time period approved in the final development plan, then the Final Development Plan approval shall be void. In such case, the PRC D zoning and map amendment remain in place, but a development plan must be resubmitted for approval.

Section 7.07 PRC D DEVELOPMENT PLAN STANDARDS:

A. Minimum Tract Size for a PRC D Subdivision—Ten (10) acres.

B. Open Space—At least fifty (50) percent of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception as provided in 7.07 (C) (2) and (3) is granted by the Township. Open space locations and uses shall be identified on the development plan and shall be subject to the approval of the Township. Open space shall be owned, administered and maintained as identified on the development plan pursuant to Section 7.08. With prior consent through resolution of the Board of Trustees of Concord Township, land may be transferred to the Township for public purposes if approved as a part of the final development plan. Uses of land transferred to the Township for public purposes must be approved as a part of the final development plan and may include, but are not limited to, trails, active recreation and spray irrigation fields. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the development plan.

1) At least fifteen (15) percent of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty (50) percent shall be utilized for that purpose. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the development plan.

2) In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.

3) The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land application" sewage disposal system as approved per the development plan.

4) Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands, acting as detention basins, plus sewage treatment areas may count in their combined aggregate for up to fifty (50) percent of the required open space.

5) Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the development plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the development plan.

C. Determining The Number of Dwelling Units Permitted and the Percent of Open Space—The number of dwelling units is dependent on the provision of centralized sanitary sewer as defined in Article IV as follows:

1) For land not serviced by centralized sewer, multiply the number of gross acres times sixty six hundredths (0.66) dwelling unit per gross acre to obtain the maximum number of permitted dwelling units. Provide fifty (50) percent of the gross acreage in permanent open space.

2) For land served by centralized sanitary sewer, multiply the gross acreage to be developed by seventy five hundredths (0.75) dwelling unit per gross acre to obtain the maximum number of dwelling units permitted. Provide fifty (50) percent of the gross acreage in open space.

3) Density Exception: For land served by centralized sanitary sewer and where the existing features to its analysis map shows that the sum of all steep slopes, floodplains, wetlands, and/or overhead electric transmission line easements comprises less than ten (10) percent of the gross land acreage, the Township shall allow a density exception to a maximum of (0.85) dwelling units per gross acre with forty (40) percent of the gross acreage in open space in return for which the applicant shall commit to the reforestation, seeding of native plants and creation of ponds in these open spaces. This additional density is granted in order to offset the costs of reforestation, plantings, water features, regrading and exceptional horticultural techniques needed to recreate adequate natural landscape buffers, and secondary conservation areas that do not exist naturally in order to meet the intent of a conservation subdivision under Article VII.

D. Sewage Disposal—For centralized sanitary sewer usage, a feasibility letter shall be provided by the Delaware County Sanitary Engineer indicating that sewer service is available with the capacity needed. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from either the Delaware General Health District or the Ohio EPA.

E. Perimeter Setback—No building shall be constructed within fifty (50) feet of the external boundary of the conservation subdivision.

F. Storm Water—No features shall be designed which are likely to cause erosion or flooding.

G. Subdivision Standards—Public streets and all drainage improvements shall conform to the subdivision standards for Delaware County Ohio or as otherwise approved per the final development plan.

- ~~H. **Pavement Standards for Condominium Drives.**—All condominium drives that are not dedicated for public traffic names shall be constructed as a pavement width and cross section that meets the average daily traffic and weights anticipated in the *Michigan County Engineering Design Manual* or shall have a design life of twenty (20) years.~~
- ~~I. **Pavement Standards for Parking Lots and Private Driveways.**—Parking lots and private driveways do not have to meet street cross-sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross-sectional and design life standards within fifty (50) feet of the edge of the public paved road.~~
- ~~J. **Parks.**—A five (5) foot wide asphalt walking or bike path is required for subdivisions subdivided of more than three (3) acres. Paths shall be separated from the paved street surface by at least five (5) feet of landscaped or grassed strip. The Township may require paved or unpaved walkways to connect residential areas and open spaces.~~
- ~~K. **Street Trees.**—Deciduous broad-leaf street trees with a minimum caliper of three inches (3") at planting shall be planted and retained at least every fifty (50) lineal feet along at least one side of the street.~~
- ~~L. **Minimum Front Setbacks.**—Dwelling Units and garages shall be setback a minimum of forty (40) feet from the street right-of-way.~~
- ~~M. **Minimum Lot Size.**—Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots, or otherwise approved on the final development plan. Attached dwelling units or detached condominiums as approved per the final development plan.~~
- ~~N. **Minimum Lot Width.**—At the building line:

 - 1) 80' lot widths may be used for a maximum of 50% of the total single family lots.
 - 2) 90' lot widths may be used for a maximum of 30% of the total single family lots.
 - 3) 100' or wider lots shall be used for at least 10% of the total single family lots. Or as otherwise approved per final development plan.~~
- ~~O. **Minimum Side Yards.**—Twelve and one-half (12 1/2) feet each side for single family and common wall single family units and their garages, with no encroachments. For multi-family or non-residential structures the minimum separation between buildings units shall be thirty (30) feet.~~
- ~~P. **Driveway Setbacks.**—Two (2) feet from side lot line. Side load garages shall provide at least twenty-four (24) feet of paved apron exclusive of the two (2) foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.~~
- ~~Q. **Minimum Rear Yard.**—Thirty (30) feet for single family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory buildings. Attached unit or detached condominiums as approved per the final development plan.~~
- ~~R. **Building Height Requirement.**—No principal building in this district shall exceed forty-five (45) feet in height as defined under "building height" in Article IV of the Concord Township Zoning Resolution.~~
- ~~S. **Minimum Dwelling Unit Floor Area.**—Eighteen hundred (1,800) square feet per dwelling unit.~~
- ~~T. **Street Lighting.**—If provided must be of white light, maximum height sixteen (16) feet, with a cutoff downward ead fixture.~~
- ~~U. **Landscaping.**—All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliber, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the final development plan.~~
- ~~V. **Parking.**—Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street parking shall comply with the provisions of Article XXI of the Concord Township Zoning Resolution, or as approved per the development plan.~~
- ~~W. **Signs.**—All signs shall be in accordance with Article XXII of the Concord Township Zoning Resolution, or as approved per plan.~~
- ~~X. **Other Requirements.**—Unless specifically supplemented by the standards contained in Article VII, or those standards approved by divergence in the development plan, the development shall comply with all the General Development Standards applicable to all zoning districts as set forth in Articles XI, XXII and XXIII of the Concord Township Zoning Resolution.~~
- ~~Y. **Supplemental Conditions and Safeguards.**—If the Township determines that additional landscaping is needed to buffer existing land uses, they may require such as part of the development plan approval.~~
- ~~Z. **Divergence.**—The Township, as a part of development plan approval, may grant divergence from any standard or requirement in this Section with the exception of density, and the percentage of required open space. An applicant requesting a divergence shall specifically and separately list each requested divergence and the justification therefore on the development plan submitted, with a request that the proposed divergence be approved "per plan".~~

Section 7.08. OWNERSHIP AND MAINTENANCE OF OPEN SPACE.

A. Ownership of Open Space—Different ownership and management options apply to the permanently-protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in Section 7.08. A public land dedication, not exceeding ten (10) percent of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

Ownership Standards—Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township:

- 1) Offer of Dedication—The Township shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
- 2) Homeowners Association—The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:
 - a) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
 - b) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
 - c) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
 - d) The association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
 - e) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
 - f) In the event of transfer, within the methods herein permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
 - g) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
 - h) The homeowners association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
 - 1) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
 - 2) That the undivided common open space shall be maintained for purposes set forth in the approved final development plan;
 - 3) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.
 - i) The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Trustees within thirty (30) days of action by the Board.
- 3) Condominiums—The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
- 4) Dedication of Easements—The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:
 - a) Such land is accessible to Township residents;

- b) There is no vest-of-interest other than intended transfer of ownership exists
- c) A satisfactory maintenance agreement reached between the developer, association and the Township
- d) Transfer of Easement to a Private Conservation Organization. With the permission of the Township an owner may transfer easements to a private nonprofit organization whose purpose is to enhance open space and/or natural resource provided that:
 - a) The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence
 - b) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization
 - c) Third Party Ownership. With the approval of the Township, open space may be owned by a third party, if protected by either (i) an open space agreement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization, or (ii) unenforceable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan. Open space land to be transferred to a third party other than a Homeowners Association, condominium association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

B. Maintenance of Open Space

- 1) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowner association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
- 2) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

Section 7.09 Extension or Modification of Final Development Plan:

- A. An extension of the time limit for the approved Final Development Plan may be granted by the Concord Township Zoning Commission without public hearing provided they find that such extension is not in conflict with the public interest.
 - B. A request for minor changes to the Final Development Plan may be approved by the Township. Requests for minor changes shall initially be made to the Township Zoning Commission, who shall make a recommendation and pass it on to the Trustees. In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district:
 - 1) A change in the use or character of the development;
 - 2) An increase in overall coverage of structures;
 - 3) An increase in the density or overall number of dwelling units;
 - 4) An increase in the problems of traffic circulation or public utilities;
 - 5) A reduction in approved open space;
 - 6) A reduction of off-street parking and loading space;
 - 7) A reduction in required pavement widths;
 - 8) A reduction of the average in the R/C/D.
 - C. In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:
 - 1) A change in the use or character of the development;
 - 2) An increase in overall coverage of structures;
 - 3) An increase in the density or overall number of dwelling units;
 - 4) An increase in the problems of traffic circulation or public utilities;
 - 5) A reduction in approved open space;
 - 6) A reduction of off-street parking and loading space;
 - 7) A reduction in required pavement widths;
 - 8) A reduction of the average in the R/C/D.
- In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

33. Section 8.03 Permitted Uses -Update page 43:

~~f) Conservation subdivisions, pursuant to the provisions of Article VII.~~

34. Section 8.06 Development Standards -Update page 46:

a) Minimum Lot Area is 1.5 acres, exclusive of all easements and right-of-ways used for residential purposes ~~except for Conservation Subdivisions, where minimum lot area is as approved under Article VII.~~

35. Section 10.06 Development Standards -Update second paragraph page 56:

d) Building Dimensions -

All ~~apartments or other~~ multi-family structures constructed within this district shall contain the following minimum living area, to wit:

36. Section 11.07 Development Standards -Update page 62:

a) Intensity of Use - The maximum density shall be one and one-half (1 ½) dwelling units per gross acre within the area to be developed, unless a divergence is approved in accordance with Section 11.06 of this Article. ~~Under no circumstance will any divergences allow a density exceeding three (3) units per gross acre.~~

37. Section 13.03 Permitted Uses -Update page 67:

g) ~~Apartments in areas over or~~ Multi-Family structures adjacent to the commercial storeroom or office facility, provided that ~~apartments multi-family structures~~ constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to wit:

38. Section 14.03 Permitted Uses -Update page 72:

h) ~~Apartments in areas over or~~ Multi-Family structures adjacent to the commercial storeroom or office facility, provided that ~~apartments multi-family structures~~ constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to wit:

39. Section 15.03 Permitted Uses - Update page 76:

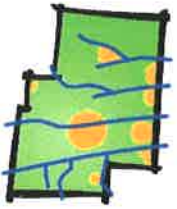
e) ~~Apartments in areas over or~~ Multi-Family structures adjacent to the commercial use, provided that ~~apartments multi-family structures~~ constructed within this district shall contain the following minimum living area, exclusive of porches, basements, or garages, to wit:

40. Section 19.03 Permitted Uses - Update page 92:

j) ~~Apartments~~ **Multi-Family structures** or residences, when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum floor space, to wit:

41. Section 21.09 Driveway Regulations - Update page 109:

c) Commercial, Industrial, Public Facility and ~~Apartment Complex~~ Multi-Family
Driveways: In addition to the conditions imposed by Section 21.09(a) previously set forth, the following standards are required for driveways serving all **multi-family structures or commercial and industrial uses and apartment complexes containing ten (10) or more units and served by a common parking area:**



Decision on Rezoning Application Delaware County, Ohio

The Regional Planning Commission recently reviewed the rezoning application identified below. It is vital that the township complete the following information after the Trustee Hearing(s) so that the zoning maps maintained by the RPC are as accurate as possible.

RPC Meeting Date: 07/29/21	RPC# 29-21 ZON
Township: Concord	
Request by: Concord Twp. Zoning Commission	
To allow: Zoning Resolution and Comprehensive Plan amendments	

Zoning Commission Decision Date: Aug. 3, 2021

Board of Trustees Decision Date: Oct. 13, 2021

Effective Date: Nov. 12, 2021

After the period of referendum has passed

Decision: (circle one) **APPROVED** **DISAPPROVED**

Please Note: If changes were made during the rezoning process to the Development Plan for a Planned District Zoning or if the rezoning application was changed during the township process, please submit an updated copy of the Development Plan to the RPC office for our files.

Township Trustee Signatures:

FOR OFFICE USE ONLY

Delaware County Regional Planning Commission, 109 N. Sandusky Street, Delaware, OH 43015
Phone (740) 833-2260 or Fax (740) 833-2259

Effective 06/09/09

