

Application for Planned Residential District (PRD)

February 17, 2020

Property Parcel No.: 60021002032000 (7084 Dublin Road, Delaware, Ohio 43015)
60021002026000, 60021002031000, 60022001020000,
60022001019000 (Dublin Road and Concord Road, Delaware,
Ohio 43015)

Applicant:
Joe Thomas Jr.
Metro Development
470 Olde Worthington Road
Suite 100
Westerville, OH 43082
Phone: (614) 540-2400

Land Planner: Todd Faris
Faris Planning & Design
243 North Fifth Street
Suite 401
Columbus, Ohio 43215
Phone: 614-487-1964

ARTICLE XI - PLANNED RESIDENTIAL DISTRICT (PRD)

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

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

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

- a) Residential structures may be either single family or multi-family.

This zoning district will consist of 520 single family lots, 100 condominiums and clubhouse, and 120 garden units, clubhouse and mail kiosk as shown on Exhibit C-1 Development Plan.

b) Nonresidential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

This use will not be permitted in this zoning district.

c) Public or Private golf courses, country clubs, fishing lakes or similar recreational uses with all buildings and club houses incident thereto including restaurant to serve members and/or users of the facility.

This use will not be permitted in this zoning district.

d) Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.

It is not anticipated that there will be a need for temporary non-residential structures, other than construction trailers. Should temporary non-residential structures be necessary for this zoning district, the proper permits will be obtained as required by the Township Zoning Resolution.

Section 11.04 - CONDITIONAL USES: Within the PRD zoning, district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not

affect the right of authorities to seek redress for failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Inspector.

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

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

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

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

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

c) Model Homes, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:

1) Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.

2) Lighting: All exterior lighting must be down lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.

3) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.

4) Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscape and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

5) Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent of the lots therein.

Section 11.05- PROHIBITED USES

- a) Any use not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- b) Outdoor storage of inoperable or unlicensed motor vehicles for a period exceeding fourteen (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, trailer, camper, boat nor equipment of any type shall be parked in front of the front building line on any lot within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this Resolution, or the restrictions in the plat, deed, or development plan.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days. No more than one motor home, trailer, or camper may be occupied for such a period on any lot of record.

Except as specifically permitted in Section 11.03 (d), no manufactured/mobile home shall be placed or occupied in this district. Modular structures in compliance with the Ohio Building Code and designed for placement on a permanent foundation are acceptable.

- e) Agricultural activities as prohibited in Section 6.02 of this Resolution.
- f) No trash, debris, unused property, or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

Section 11.06 – PROCEDURE: In addition to any other procedures set out in this

Resolution, all applications for amendments to the zoning map to rezone lots to this PRD district shall follow the procedures hereinafter set forth:

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

The developer is submitting the “Property” (hereinafter defined) for consideration of a zoning change from FR-1 to a Planned Residential District (PRD).

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

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

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

This zoning district consists of approximately 254.436 acres. The legal description has been submitted as part of the zoning application and is attached hereto as Exhibit B-1.

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

See Development Plan attached hereto as Exhibit C-1 and declaration of covenants, easements, restrictions, assessments and assessment liens attached hereto as Exhibit G-1, G-2, & G-3.

Each owner of a single family dwelling shall be a member of the Concord Highlands Homeowners Association. Each owner of a condominium home shall be a member of the Concord Highlands Condominium Association, which shall also be a member of the Concord Highlands Homeowners Association. The garden units shall also be governed by a Condominium Association, which shall be a member of the Concord Highlands Homeowners Association. Prior to the time the HOA is created, the property will be maintained by the developer.

The development will meet the tree requirements set forth in Section 23.03 D (2) (a) of the Township zoning code. Also see Landscape Plan attached as Exhibit D-1.

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

All facades of the single family homes and condominiums shall be comprised entirely of stone, brick, cultured stone, EIFS, wood (including engineered wood), cementitious fiber or stucco, and high grade vinyl or a combination thereof, except for gutters, soffits and overhangs, entry doors, garage doors and other accents. Any side elevations that faces any internal or public street shall also have architectural treatments compatible with the front elevation of the home. Aluminum and/or vinyl may be used for trim details such as soffits, gutters, shutters, etc., as well as windows.

All single family homes and condominiums will have a minimum six (6) inch overhangs, a minimum roof pitch of 6/12 on the main structures of the home (accent features such as porches and dormers may have less than 6/12 roof pitch), all front windows will be wrapped with a minimum of four (4) inch trim (except when the windows are surrounded by stone or brick) and the garage doors will either have raised panels or decorative accents.

Exterior finishes containing high gloss or high chroma colors are prohibited on all single family and condominium structures within the property.

The same front elevations shall not be repeated for any single family home located within one (1) lot on either side or directly across the street from the subject single family home.

All garden units, clubhouse, and mail kiosk shall be built on site. Siding materials comprised entirely of stone, brick, cultured stone, EIFS, wood (including engineered wood), cementitious fiber or stucco, and high grade vinyl or a combination thereof, except for gutters, soffits and overhangs, entry doors, garage doors and other accents.

Facade colors shall not be of excessively high chroma or intensity on Garden Buildings. Garden buildings will be no greater than 35 feet in height as measured from the front of the building.

Major roof elements of garden buildings shall have a minimum 6:12 pitch. Secondary roofs, such, as at porches and garages, may be a lesser slope and a minimum of 4:12. Roof materials shall be of a medium or dark color. Garage doors shall be paneled, and of one color and material.

There shall be a minimum 20' (twenty) building separation including overhangs, egress window wells or any other protrusions from the main structure per the zoning resolution, except for condominiums, which shall maintain a minimum 10'(ten) building separation.

- See Exhibit G-1, G-2, & G-3 for declaration of covenants, easements, restrictions, assessments and assessment liens

See Exhibit D-1 & D-3 for specifications and limitation for temporary marketing signage along Concord Road and SR 745. 4 marketing signs are requested.

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

Water

See Exhibit E-1 for Engineering Feasibility Plan and Exhibit E-2 for Delco Water Serviceability Letter.

Sanitary

See Exhibit E-1 for Engineering Feasibility Plan and Exhibit E-2 for Delaware County Sanitary Engineer Letter.

Surface Drainage

All surface and subsurface storm water provisions will comply with the Delaware County Engineer's Regulations, including detention and retention requirements, subject to any waivers granted by the county Engineer's office. The proposed storm water drainage facilities (basins) are shown on the plan. All retention facilities will be wet ponds and

detention basins shall be dry. See Exhibit C-1 for Development Plan and Exhibit E-1 for Engineering Feasibility Plan.

All utilities will be underground except for electric and telephone pedestals and/or any other similar appurtenances necessary to service this zoning district.

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

Access is from proposed entry drive associated with Concord Highlands from Concord Road, and 2 locations along SR 745, shown on the Development Plan attached as Exhibit C-1.

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

The site is bounded by existing PRD (Concord Highlands) and existing FR-1 land to the west along Concord Road, by the Lower Scioto Wastewater Treatment Facility and FR-1 to the north, SR 745 and existing FR-1 to the east, and existing FR-1 to the south.

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

See Development Plan attached as Exhibit C-1 for open space areas and pathways.

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

When zoning is approved, construction will start in the summer of 2021, and streets and utilities within the single family areas will be developed in 6 phases, condominium areas in 3 phases, and garden units in 1 phase. Construction of the units will proceed with the pace of home sales.

9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

This project will be developed as 6 phases for single family homes, 3 phases for condominium homes, and one phase for garden homes.

10) The ability of the applicant to carry forth his/her plan by control of the land and the engineering feasibility of the plan. If the applicant is not the owner, the applicant must have written authorization from the owner.

The applicant currently has a purchase contract for the property.

11) Specific statements of divergence from the development standards in Article XXI or existing county regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with.

A density divergence is requested from Section 11.07 a. to exceed 1.5 du/ac. The applicant is proposing adding a regional multi use trail through this development linking Concord road to SR 257, providing a large interior open space with seating areas, community pavilion, and large active open space and tree preserve of approximately 11.5 acres, as well as providing several choices of living possibilities from single family, age targeted condominiums, or garden style units, within a themed and Master Association controlled Association.

A structure separation divergence is requested from Section 11.07 c. to allow the age targeted condominium homes to a 10' minimum separation. This divergence allows for the clustering of these units, provides a village type layout, and creates courtyards and private living spaces on the sides of the units associated with this type of unit.

A divergence to section 21.09 a.12 is requested to allow driveways to be closer than 100' to an intersection of public Roads. All corner lots will require this divergence. This divergence has previously been approved for similar subdivisions in Concord Township and is necessary with corner lots and adjacent T intersections within PRD subdivisions as the lot sizes are under 100 feet.

A parking divergence is requested from Section 21.01 e. that requires 3 spaces per unit for the garden units. Parking expectations for these types of units are in the range of 1.7 to 1.9 spaces per unit, so a divergence is requested to allow parking at a ratio of 2 spaces per unit minimum.

A divergence to 22.06 b.4, that requires all signs to be down lighted is requested. The main signage at Concord Road shall be halo illuminated (lighting behind the letters), and the secondary signage shall be up lighted with low level shielded fixtures, as the stone columns and stone plaque at the secondary entry cannot be halo illuminated.

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

At the time of approval of the subdivision plat and engineering plans, a letter of credit from the Developer will be submitted to Delaware County. See Bank letter to applicant stating they have the capacity to finance the project, Exhibit E-4.

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

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

See Development Plan attached as Exhibit C-1. The density is ±2.91 units/acre.

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

The proposed development is compatible with the comprehensive plan, as it recommends single family, condominium and multifamily uses for this site.

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

Single family homes are appropriate for this site. It is surrounded by existing single-family homes and proposed single family homes around its periphery. The comprehensive plan calls for single family/condominium uses and multifamily uses adjacent the wastewater treatment plant. The plan provides alternative residential choices to support a continuum of ages within the development.

d) Effect of Approval - The Development Plan as recommended for approval by the Zoning Commission and approved by the Township Trustees shall constitute all amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio.

Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.

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

f) Site Plans Required - In the Planned Residential District (PRD), no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat shall be in accord with the approved development plan and shall include:

1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; casements, access points to public right-of-way; and land reserved for non-highway service use with indication of the nature of such use.

See Development Plan attached as Exhibit C-1 for Development Plan and E-1 for Preliminary Utility Plan

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the lot to be developed for nonresidential uses.

- **See Declaration of covenants, easements, restrictions, assessments and assessment liens attached as Exhibit G-1, G-2 & G-3.**

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

At the time of approval of the engineering plans, a letter of credit from the Developer will be submitted to Delaware County.

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

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

- a) Intensity of Use - The maximum density shall be one and one-half (1 1/2) 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.

The Development is proposed to be +/-2.91 du/ac., and a divergence to density is requested.

b) Arrangement of Structures

1) Setback Line - The physical relationships of buildings and uses and their minimum yard spaces shall be developed in compliance with the approved plan and the provisions of Article XXI unless a variance is approved.

See Development Plan attached as Exhibit C-1 for setbacks as established by this plan.

2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain bins, grain handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmill, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.

This zoning district will meet the building height limitation requirements.

3) Structure Separation – No structure shall be located closer than twenty (20) feet to another structure and shall be measured from the greater of roof overhangs, cantilevers of the structure, generators, egress window wells and all other structures attached to a primary residence.

The development shall comply with this standard, except for age targeted condominiums, which a 10’ separation is requested

c) Building Dimension (Floor space requirements) - Each single-family dwelling hereafter erected in this district shall have a living area based upon design of the structure:

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

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

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

One (1) bedroom unit 800 square feet

Two (2) bedroom unit 950 square feet

Three (3) or more bedroom units 1000 square feet

The minimum square footage of proposed homes shall meet this zoning requirement.

d) Landscape - All yards, front, side and rear, shall be landscaped, and all organized open spaces or nonresidential use areas, including, but not limited to, road setbacks and subdivision entrances, shall be landscaped. The boundaries of the development shall reasonably incorporate screening to

limit the view of development from adjacent properties, with features such as mounding, fencing, low walls, trees, and shrubs. Such landscape plans shall be submitted with the zoning application and shall meet the requirements of Article XXIII.

This zoning district will meet the screening requirements through a combination of preservation of existing landscape and trees, the incorporation of new mounding, landscape, and fencing as shown on the Landscape Plans, exhibit D-1.

e) Building Materials- All residential structures proposed in this district shall incorporate natural finishes or synthetic materials as approved by the Zoning Commission and/or the Board of Trustees. Any approved materials must be incorporated on the approved development plat.

See Architectural Design Criteria, 11.06 b.3. for materials

f) Multi Use Paths – All developments in this district must incorporate multi-use paths with a minimum width of eight (8) feet and shall, to the extent reasonably possible, connect with other multi-use paths and/or sidewalks on adjacent properties.

There shall be a 10' width multi use path located along Concord Road and SR 745 site frontage to comply with this requirement.

g) Site Development - To the maximum extent possible, all-natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.

This zoning district will meet the above requirement.

h.) Parking - Off-street parking shall be provided at the time of construction of the main structure or building with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, provisions of Article XXI shall be incorporated when appropriate.

Each single-family home and condominium home will have at least a two-car garage as well as two parking spaces available in the driveway. Each Garden Unit shall have an attached garage with 1 parking space in each driveway, with additional parking throughout the development for guests.

i.) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent" or "For Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed four (4) square feet in area on either side.

The owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one sign not exceeding thirty-two (32) square feet in area per side advertising said subdivision, development or lot for sale.

See temporary signage as shown on Exhibit D-1.

h) Construction and Maintenance of Improvements within Right-of-Way: Unless otherwise specifically required by applicable law, the construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscape improvements, sidewalks and/or driveways approaches shall be the responsibility of the abutting property owner.

This zoning district will meet the above requirement.

i) Special Additional Conditions - The Township Zoning Commission may recommend and the Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscape, development, improvement, and maintenance of common open space any other pertinent development characteristics.

j) Exterior Lighting - All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

This zoning district will meet the above requirement. No streetlights are proposed

k.) Performance Standards - All uses within this district shall be in compliance with the provisions of Article XXI, Section 21.11.

This zoning district will meet the above requirement.

l.) Accessory building- No part of any accessory building shall be located in the front yard.

This zoning district will meet the above requirement.

Section 11.08 – MODIFICATION OF FINAL DEVELOPMENT PLAN:

a. A request for minor changes to the final development plans shall be submitted to the Zoning Inspector for recommendations to the Board of Trustees, who will have final approval of all minor changes to the final development plans.

b. In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of development plan approval as the original application. The following shall be considered substantial departures from the original application.

1. A change in the use or character of the development;
2. An increase in overall lot coverage of structures and off-street parking;
3. An increase in the density;
4. A reduction in approved open space;
5. A reduction of off-street parking and loading space;

6. A reduction in required pavement widths;
7. A reduction of the acreage in the planned development;
8. Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.