

ARTICLE 18B – PLANNED OVERLAY DISTRICT

Section 18B.01 – NATURE OF THE DISTRICT

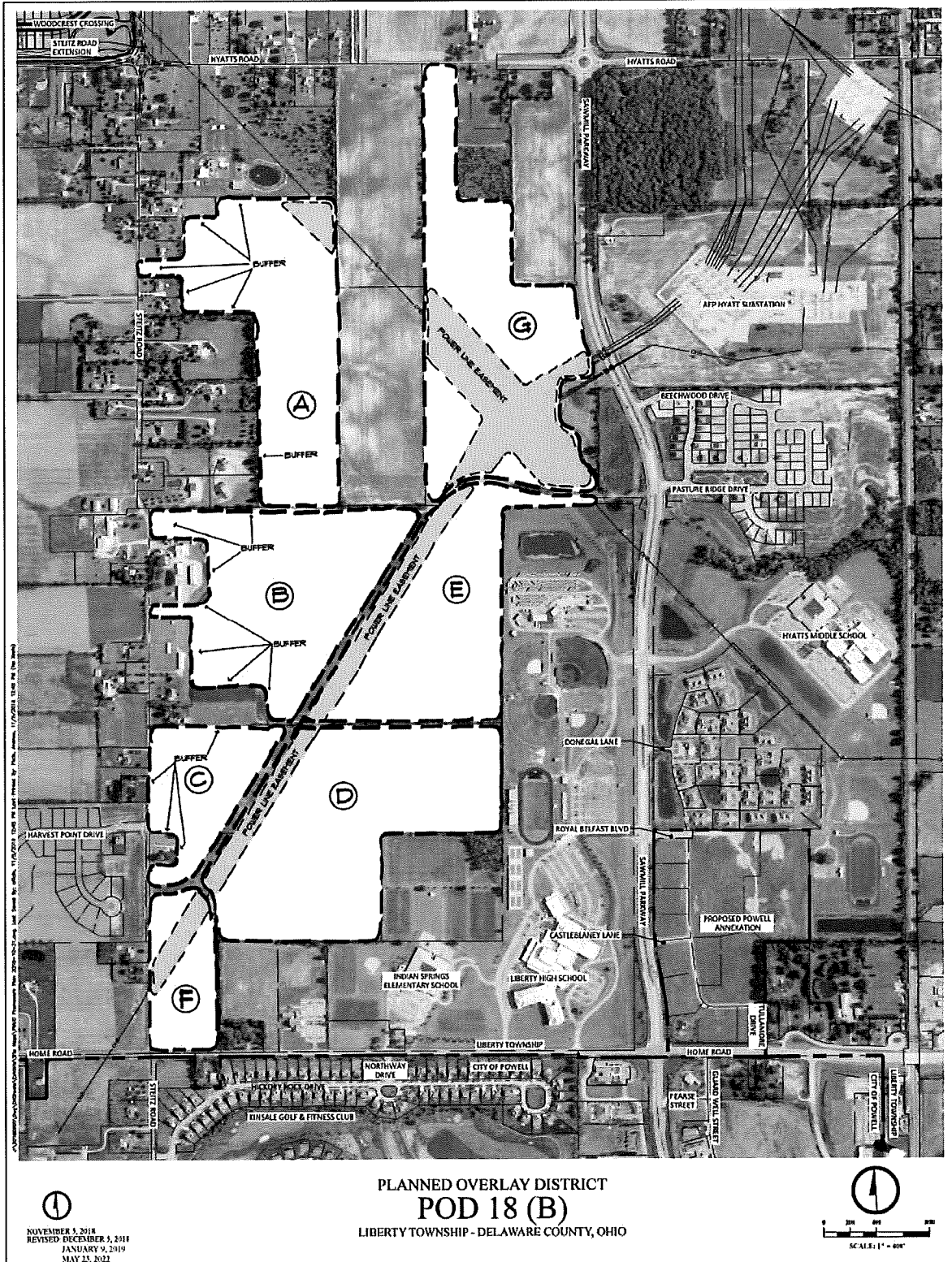
This Planned Overlay District (POD) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning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

- Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for an appropriate mix of residential uses.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- Assures compatibility between proposed land uses within and around the POD through appropriate development controls.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.

Section 18B.02 – OVERLAY DISTRICT AREA ESTABLISHED

The POD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones the POD area shown on the POD Overlay Development Plan (Map), which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official zoning district map for the POD as part of this amendment. A roadway network will be developed as part of future Final Development Plan(s) and shall be subject to final approval by the Delaware County Engineer, and final site/sub-area engineering. Properties within the POD shall make Application in accordance with the provisions of this POD and Section 10.06 of the Liberty Township Zoning Resolution for Final Development Plan approval, in compliance with the provisions of this POD. The approval of an Application for Final Development Plan following the Liberty Township Trustees' approval of this POD is a ministerial act and shall not be considered an amendment to the Liberty Township Zoning Resolution.

Attachment 1



Section 18B.03 – PERMITTED USES

- 18B.03.1** Residential Uses as provided for by subareas identified herein. Specifically: (1) Single Family Homes, single family detached residential or Patio Homes (Single Family including homeowner or condominium associations); (2) Attached Homes, residential of 2, 3 and 4 unit buildings includes Townhomes and/or Condominiums), and (3) Multi-family, attached residential of 5+ units (Multi-family).
- 18B.03.2** Additional uses related to Healthcare Services including: 446 Health and Personal Care Stores; 561 Administrative and Support Services; 621 Ambulatory Health Care Services; 622 Hospitals; 623 Nursing and Residential Care Facilities; 62412 Service for elderly and persons with disabilities; 6244 Child Day care, and the limited uses as specified herein for POD 18B, 18(B).03.2 for Subarea F. The development/design standards of Liberty Township Zoning Resolution Articles 14 and 15, Neighborhood Retail District and Planned Commercial District, respectively shall supplement this POD for those uses only, where this POD 18B is silent. Conflicts shall be resolved in favour of the development/design standards of this POD 18B.
- 18B.03.3** All uses of Article 12, Planned Elderly or Retirement Community uses. The development standards of Liberty Township Zoning Resolution Article 12 Planned Elderly or Retirement District shall supplement this POD for those uses only, and only where this POD 18B is silent. Conflicts shall be resolved in favour of the development standards of this POD 18B.
- 18B.03.4** Temporary Structures. Temporary structures such as manufactured/mobile home offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for twelve (12) months and renewable for up to 3 years total. 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. Renewal shall not be unreasonably denied. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as the Zoning Inspector deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.
- 18B.03.5** Existing Uses/Zoning To Remain. Until such time as a Final Development Plan is approved for area(s) within the POD, within the requirements of the POD, the existing legal uses and zoning for all areas within the POD shall be permitted. Legal uses established prior to this POD shall be permitted to exist as legal non-conforming.

Section 18B.04 – ACCESSORY USES, BUILDINGS, AND STRUCTURES

- 18B.04.1** Accessory Uses. Any sub area located within the POD shall be permitted to include the following accessory uses, so long as those uses are either contained within the buildings of a permitted use, or within separate buildings or structures that are architecturally and/or operationally integrated into the sub area development:

- 18B.04.1.a** Clubhouses, recreational and entertainment facilities, indoor or outdoor, and may include but not limited to tennis courts, basketball courts, pools, bocce court, etc.
- 18B.04.1.b** Sheds, play structures, pools and pool fencing.
- 18B.04.1.c** Private Garages.
- 18B.04.1.d** Exercise and Fitness Facilities.
- 18B.04.1.e** Personal and Laundry Services (except 812332 Industrial Launderers).
- 18B.04.1.f** Mail collection facilities.
- 18B.04.1.f** Storage facilities for bicycles, as well as individual storage facilities for the keeping of personal property owned by the residents, and only accessory to such ownership. Bicycle and individual storage facilities may be located wholly in a separate accessory structure, so long as that structure(s) is architecturally integrated into the Development Plan. Commercial storage facilities are not permitted.
- 18B.04.1.g** Home Occupations: professional or business activities shall be considered permitted as " Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty percent (20%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no sign.
- 18B.04.1.h** General park and recreational uses, activities or small scale agricultural activities such as a non-permanent farmers' market or seasonal egg hunts.

The above uses are not intended as separate, independent or principal commercial uses, but rather only accessory in nature, so as to complement the permitted principal use(s).

Section 18B.05 – PROHIBITED USES

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited. The following uses shall be prohibited:

- 18B.05.A** Uses not specifically approved by the Zoning Commission as part of the Development Plan.
- 18B.05.B** Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to a legal sales or repair activity if such activities are carried out in compliance with an approved Final Development Plan.

18B.05.C Except as provided in a Final Development Plan, no trailers, no boats, no motor homes, no campers and no equipment of any type shall be parked in front of the principal structure line on any non-residential parcel within this district, and may only be parked for not more than eight (8) hours in a twenty-four period if located on a residential parcel. If a structure is located on the property, the principal structure line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Development Plan.

18B.05.D No manufactured home, temporary mobile home, motor home or camper shall be occupied in this district for residential purposes. Mobile office structures may be permitted in the approved Final Development Plan in accordance with Section 18B.02.

18B.05.E No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

Section 18B.06 – PROCESS FOR PLAN APPROVAL

All Applications for Final Development Plan approval of area within the POD shall follow the procedures hereinafter set forth:

18B.06.A Pre-Application Meeting. The Applicant is encouraged to engage in informal consultations with staff from the Township and the Delaware County Regional Planning Commission prior to formal submission of an Application for approval of a Final Development Plan for any tract or property within the POD. No statement or action by Township or County officials in the course of informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Ohio Revised Code) is required to be observed at pre-Application meetings involving a quorum of members of the Liberty Township Zoning Commission.

18B.06.B Application and Final Development Plan. The Applicant shall prepare and submit ten (10) copies of an Application and Final Development Plan, along with an electronic copy and all applicable fees to the Liberty Township Zoning Commission. The Application shall be signed by the Applicant and all owners of property, or their designee, included in the Application and Final Development Plan. The Application shall include a list of property owners, by mailing address appearing on the Delaware County Auditor's current tax list, within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. The Liberty Township Zoning Commission may request that any County agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the meeting.

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

- 18B.06.B.1** A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.
 - 18B.06.B.2** A grading plan drawn to scale, showing all information pertaining to surface drainage.
 - 18B.06.B.3** A detailed Landscape Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan. It shall depict and identify all proposed landscaping features.
 - 18B.06.B.4** A detailed Signage and Exterior Lighting Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.
 - 18B.06.B.5** A detailed Parking Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.
 - 18B.06.B.6** An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the Open Space, as required, that is unified and permanently protected. The location, size and proposed use(s) of all Open Space areas shall be detailed.
- 18B.06.C** Final Development Plan Contents. The Final Development Plan shall include in text and map form the following:
- 18B.06.C.1** Proposed name of the development and its location.
 - 18B.06.C.2** Names and addresses of applicant, owners and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the area proposed for POD approval shall be provided.
 - 18B.06.C.3** Date, north arrow and plan scale. Scale shall be one inch equals one hundred feet 1" = 100 feet or larger scale.
 - 18B.06.C.4** A description and location of the precise uses proposed for the development and phases for construction, if any. If the proposed development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
 - 18B.06.C.5** Locations, widths and names of all existing public streets or other public or private roads/ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and corporation lines within or adjacent to the tract.

- 18B.06.C.6** Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
- 18B.06.C.7** The adjoining lines of adjacent tracts, parcels or lots.
- 18B.06.C.8** Additional restrictions and deed restrictions, if any.
- 18B.06.C.9** Existing topography, drainage channels, wooded areas, watercourses, wetlands and other significant physical features.
- 18B.06.C.10** Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
- 18B.06.C.11** Layout, numbering and dimensions of lots if more than one.
- 18B.06.C.12** The total amount of Lot Coverage and density to confirm with the POD, as that term is defined in this POD as gross acreage.
- 18B.06.C.13** Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant or dedication.
- 18B.06.C.14** Building setback lines with dimensions.
- 18B.06.C.15** Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
- 18B.06.C.16** Layout, location, dimensions and architectural features of proposed structures including preliminary floor plans and exterior elevations.
- 18B.06.C.17** Location and dimensions of all paths, sidewalks, multi-use trails and connections thereof to facilitate connectivity among areas within the POD.
- 18B.06.C.18** Color rendering of buildings(s), complete with a listing of all colors, including current Pantone Reference Numbers or, if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used.
- 18B.06.C.19** A Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas for all proposed uses, including proposed number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.
- 18B.06.C.20** Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.

- 18B.06.C.21** Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.
- 18B.06.C.22** Accommodations and access for emergency and fire-fighting apparatus.
- 18B.06.C.23** Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.
- 18B.06.C.24** The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
- 18B.06.C.25** Projected schedule of site development.
- 18B.06.C.26** The ability of the applicant to carry forth the Final Development Plan by control of the land and the engineering feasibility of the Final Development Plan.
- 18B.06.C.27** Other supplemental information, as may be reasonably required by the Liberty Township Zoning Commission, to determine compliance with this POD.
- 18B.06.C.28** The Final Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.
- 18B.06.C.29** The applicant may request a divergence from the development standards set forth in this Article 18B or otherwise to the Liberty Township Zoning Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Final Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Final Development Plan. Unless specifically supplemented by the standards contained in the Final Development Plan, the development shall comply with the requirements contained in Article 18B and the General Development Standards most closely comparable to the use/zoning district(s), as contained in the Liberty Township Zoning Resolution.
- 18B.06.D** Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete Application. Notice shall be sent by regular, first class mail to the applicant and to all owners of property within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. Mailing by the Zoning Commission shall be to the addresses of such owners appearing on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the

Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Final Development Plan within thirty (30) days after the conclusion of the hearing.

18B.06.E Basis of Approval. The Zoning Commission, shall consider and approve a Final Development Plan upon a finding of substantial compliance based upon the following:

- 18B.06.E.1** Whether the proposed Application and Final Development Plan are consistent with the uses, and standards of this POD Zoning Resolution as set forth and defined in Section(s) 18.07 and 18.08 of this POD; and, If applicable, determine if divergence(s) are reasonably related to or that facilitate the use(s), criteria and/or standards of this POD.
- 18B.06.E.2** Whether the proposed Application and Final Development Plan meet the design features as set forth and defined in Section(s) 18.07 and 18.08 of this POD.
- 18B.06.E.3** Whether the proposed development will be adequately served in a manner consistent with other residential communities located within Liberty Township, by essential public facilities and services including, without limitation, roads, walkways, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- 18B.06.E.4** Whether the proposed development has adequately addressed traffic considerations in the immediate vicinity of the proposed development or elsewhere in the Township, as evidenced by a traffic study approved by the Delaware County Engineer.

18B.06.F Effect of Approval.

- 18B.06.F.1** The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Final Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.
- 18B.06.F.2** The approval of a Final Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Final Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s).

If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts or planning has not commenced, and unless the Zoning Commission approves an extension of this time limit, a Development Plan shall expire. Extensions of an approved Final Development Plan shall not be unreasonably denied. Upon the expiration of the Final Development Plan, the subject parcel(s) shall remain zoned POD, but no use shall be established or changed and no building, structure or improvement shall be constructed until an Application for a new Final Development Plan, accompanied by a new Final Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

18B.06.F.3 An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the recordation of the plat or the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted. A request for extension shall be filed prior to the expiration of the established approval period.

18B.06.F.4 Following the approval of a Final Development Plan, proposed variations from the approved Final Development Plan that involve only one (1) lot may be considered by the Board of Zoning Appeals under its hearing process pursuant to Article 25 of the Zoning Resolution. All other modifications to the Final Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 18.06(F)(5), hereof.

18B.06.F.5 Upon application, the Zoning Commission may, at a duly held hearing, modify an approved Final Development Plan pursuant to the same procedures as the original Application in Section 18.06B. The request for modification may be approved upon a showing of a compelling reason and practical necessity for the same. Such modification is administrative in nature and not in conflict with the intent and purpose of the POD Planned Overlay District.

18B.06.G Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Final Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Liberty Township in using professional consulting services to review the Final Development Plan. These expenses may include, without limitation, the actual costs for professional consultants such as attorneys, architects, landscape architects, planners and/or. As soon as reasonably practicable following the submission of an Application for approval of a Final Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist with reviewing the application.

Section 18B.07 – GENERAL DESIGN STANDARDS

All proposed developments within the POD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Final Development Plan shall comply with the following design standards. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favour of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Items unaddressed or otherwise not listed within this Article 18B shall default to the Liberty Township Zoning Resolution.

18B.07.A Access. Any POD development sub area shall have direct access to one or more improved roads (public or private in nature) of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, or other applicable governmental authorities, shall be provided. Unless otherwise provided by an approved Final Development Plan, emergency vehicular connectivity shall be provided. Private roads and drives shall be maintained by the sub area owner or property owners' association.

18B.07.B Setbacks and Yard Areas. The location and arrangements of buildings and structures within the POD shall be set per sub area as set forth on the POD Standards chart incorporated herein.

18B.07.C Lighting. Lighting shall be coordinated for style and practicality given the particular use or design of each sub area.

18B.07.D Signage. All signs and graphics within the POD shall be coordinated to be generally compatible in size, location, material, height, shape, color, and illumination. The Signage Plan for each sub area of the POD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures complement the appearance and architecture of the buildings and the POD and do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the sub area buildings' materials and colors.

18B.07.E Landscaping.

18B.07.E.i All yards (front, side and rear) and all Open Space not covered by structure, asphalt or concrete and the like, shall be landscaped with grass and shrubbery/plantings and the like. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to

prevent erosion of the property and excess drainage on adjoining land. A Landscape Plan shall show the caliper, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and serve as an important axis between the development and other locations.

18B.07.E.ii The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent Residential Uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used.

18B.07.E.iii An enhanced landscape buffer shall be provided within the fifty (50) foot setback in sub areas A, B and C where adjacent to the existing (westerly) residential homes along Steitz Road. An undulating earth mound, with an average height of 3 feet, shall be provided 5 feet off the adjacent property boundary line, and shall be planted with grass, 4 evergreen trees (6' height at install) and 3 deciduous trees (2 1/2" caliper at install) per 100 linear feet of buffer. If the 50 foot setback area is included within a residential building lot, the development shall provide for maintenance of the fifty (50) foot setback area by a property owners' association, as evidenced by deed restrictions or covenants that memorialize the obligation for such common maintenance.

18B.07.E. iv An enhanced landscape buffer shall be provided within the setback along the east property line of Subarea F (except for the area of AEP easement). Landscape buffer shall include 5 trees per 100 linear feet without mounding. Trees may be all evergreen or all deciduous or a combination of both. Deciduous trees shall be 2 ½ inch caliper and evergreen trees shall be 6-foot height at install. Trees shall not be required to be equally spaced and may be planted in groupings as long as the quantity of trees required is provided in the buffer. Mounding shall not be required but may be provided at the sole discretion of the developer.

18B.07.F Environmentally Sensitive Areas. All proposed development within the POD shall consider and to the greatest extent practicable, sensitive areas, wetlands, streams, etc. Encroachments for infrastructure shall be permitted. All development within the POD shall comply with the rules of the Ohio EPA and US Army Corps of Engineers, as may apply.

18B.07.G Neighborhood Retail, Commercial Services and Office, and HealthCare Uses . If the uses set forth in Section 18B.03.2 above are proposed in Sub-Areas permitted for such uses as proscribed by Section 18B.08.C below, the development/design standards of this POD shall apply, supplemented by the Liberty Township Zoning Resolution Articles 14 and 15 for those uses only.

18B.07.H Elderly/Retirement Uses. If the uses set forth in Section 18B.03.3 above are proposed in Sub-Areas permitted for such uses as proscribed by Section 18B.08 below, the development standards of this POD shall apply, supplemented by the Liberty Township Zoning Resolution Article 12 for those uses only.

Section 18B.08 – DEVELOPMENT STANDARDS

The Final Development Plan shall comply with the following development standards:

18B.08.A Tract Size. The gross area of a tract of land (i.e., sub area) proposed to be developed in the POD shall consist of a minimum of three (3) acres, exclusive of right-of-way. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards as set forth in this POD.

18B.08.B Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.

18B.08.C Development by Sub Area. Development of the POD is planned on a sub area basis:

Sub Area A:

Acreage: 43.4 +/- ac

Use: Single Family Residential

Units/Density: 120 du; 2.76 u/ac

Sub Area B:

Acreage: 44.8 +/- ac

Use: Single Family Residential and/or Attached Homes

Units/Density: 180 du/ 4.02 u/ac

Sub Area C:

Acreage: 17.5 +/- ac

Use: Single Family Residential and/or Attached Homes

Units/Density: 52 du; 2.99 u/ac

Sub Area D:

Acreage: 60 +/-ac

Use: Single Family Residential and/or Attached Homes

Units/Density: 210 du; 3.5 u/ac

Sub Area E:

Acreage: 46.1 +/-

Use(s): Single Family Residential, Attached Homes and/or Multi Family Residential
Units/Density: 308 du; 6.68 u/ac

Use(s): Commercial uses related to 446 Health and Personal Care Stores; 561 Administrative and Support Services; 621 Ambulatory Health Care Services; 622 Hospitals; 623 Nursing and Residential Care Facilities 62412; Service for elderly and persons with disabilities; 6244 Child day care.
Density: maximum 17,000 square feet per acre.

Use(s): All planned elderly or retirement community uses of Article 12
Units/Density: 25 beds/ac.

Sub Area F:

Acreage: 14.1 +/- u/a

Use(s):

311811	Retail Bakeries
312120	Breweries
312130	Wineries
32311	Printing
442	Furniture and Home Furnishing Stores (Excludes Big Box type uses)
443	Electronics and Appliance Stores (Excludes Big Box type uses)
444	Building Material and Supply Equipment and Supply Dealers (Excludes 444190 – Other Building Material Dealers, 444210 – Outdoor Power Equipment Stores)
445	Food and Beverage Stores (Excludes ancillary gas pumps)
446	Health and Personal Care Stores
448	Clothing and Accessory Clothing Stores
451	Sporting Goods, Hobby, Musical Instruments & Book Stores
4523	General Merchandise (Excludes Big Box and 452990 Dollar Stores)
453	Miscellaneous Stores (Excludes 453930 Mobile Home Dealers)
51	Informational (Excludes 51213 Motion Picture Theaters as Primary Use, Telecommunication Facilities or Towers)
52	Finance and Insurance (Excludes 522298 Pawnshops and 522390 Payday Lending)
531	Real Estate (Excludes 531130 use associated with Mini-Warehouse and Self-Storage)
5322	Consumer Goods Rental
53242	Office Machinery, Equipment Rental and Leasing
54	Professional, Scientific and Technical Services
55	Management of Companies & Enterprises (as a support or auxiliary use)
561	Administrative and Support Services (as a Support or Ancillary Uses, Excludes 561210 – Correctional Facility Operation on a contract or fee basis)
561410	Documentation Preparation Services
561439	Other Business Service Centers (Including Copy Shops)
561510	Travel Agencies
61	Educational Services (Excludes 611519 - Mechanic Schools, Heavy Equipment Operating Schools, Truck Driving Schools, Heavy Equipment Repair Training, 611692 – Automobile Driving Schools)

621	Ambulatory Health Care Services
622	Hospitals
623	Nursing Care Facilities and Residential Care (25 units per acre)
62412	Services for Elderly and Persons with Disabilities (25 units per acre)
6244	Childcare Facilities
71112	Dance Companies
71329	Other Gambling Industries (only when associated with other uses, no stand alone use)
71394	Fitness and Recreation Centers
71395	Bowling Centers (as secondary use, i.e. Pins Mechanical)
722	Food Service and Drinking Places
812	Personal Care Services (Excludes 812332 – Industrial Launderers, 812199 – Tanning Salons, Tattoo Parlors, Turkish Bathhouses or Bath Massage Parlors, 812310 – Coin Operated Laundry Service, 812990 – Bond Service, Bail Bonding Services, Dating Service, Escort Services, Social Escort Services)
812930	Parking Garages (only if attached to another permitted use)
813	Religious, Grant Making, Civil, Professional and similar organizations
92	Public Administration (Excludes 92214 – Correctional Institutions and 92215 – Parole Office and Probation Offices)
	Independent Living Units (25 units per acre)
	Retirement Community (25 units per acre)
	Parks/Open Space

Units/Density: 25 units per acre, or for general commercial and office, a maximum of 17,000 square feet per acre except retail commercial which shall have a maximum of 10,000 square feet per acre.

Prohibited uses: Only the above uses shall be permitted. Additional prohibited uses shall be 'big box' stores, self-storage, mini-warehouse storage outdoor storage, and gas or service stations.

Sub Area G:

Acreage: 57.1 +/- ac

Use(s): Single Family, Attached homes and/or Multi-family residential

Units/Density: 190 du; 3.33 u/ac

Use(s): Commercial uses related to 446 Health and Personal Care Stores; 561 Administrative and Support Services; 621 Ambulatory Health Care Services; 622 Hospitals; 623 Nursing and Residential Care Facilities 62412; Service for elderly and persons with disabilities; 6244 Child day care.

Density: maximum 17,000 square feet per acre.

Use(s): All planned elderly or retirement community uses of Article 12

Units/Density; 25 beds/ac.

The above total number of units shall be the maximum number of units within this POD. Sub Areas E and G may be developed with either Single Family Residential, Attached Homes, Multi-family residential uses, the identified commercial or senior uses, or a

combination thereof, with the densities aggregated by acre, or portion thereof, for each use. Example: If Sub-Area G is developed with 2 or 3 of the permitted uses, the density for each use shall be determined on a per acre basis of that use density applied to acres. In no event shall the total number of units as set forth for either sub areas be increased.

18B.08.D Frontage, Setbacks and Yard Areas. Setbacks, frontage and yard areas shown on POD Standards Chart incorporated by reference herein. Roadways and access drives/curb cuts may extend into setback areas. No accessory structures shall be closer than 10' from rear property line or 5' from the side property line.

18B.08.E Lot Coverage and Building Height.

18B.08.E.1 Lot Coverage. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas, sidewalks and all other impervious Surfaces shall not exceed in the aggregate eighty-five percent (85%) of the total area of the tract.

18B.08.E.2 Building Height.

- a.) Multi-Family Dwellings: No building or structure for any permitted use shall exceed three (3) stories in height. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than eight (8) feet.
- b.) All Other Principal Structures: No building or structure for any single, two, three or four family residential use shall exceed forty (40) feet in height. Chimneys, flagpoles, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than ten (10) feet.
- c.) Subarea F: No building or structure for any permitted use shall exceed four (4) stories or fifty-eight (58) feet in height. The height shall not include rooftop mechanicals (which shall be screened) or chimneys.

18B.08.F Architectural Standards.

18B.08.F.1 Design Elements. The architectural style and design of structures shall create harmony, creativity and complimentary visuals throughout the site. All materials used to construct buildings within the POD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 18B.08(F)(2) below. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the POD by this Article 18B.

18B.08.F.2 Subarea F – Retail Standards. Retail Development within Subarea F shall comply with the following design standards.

- a.) The architectural style and aesthetic shall be cohesive between all buildings and structures within Subarea F.

- b.) The maximum lot coverage for any retail buildings within Subarea F shall be 10,000 SF per acre.
- c.) All parking for retail, restaurant, office and other service uses shall comply with the Liberty Township Zoning Code.
- d.) The incorporation of exterior gathering spaces, fountains, raised planters and restaurant seating is highly encouraged. Exterior seating located between the primary building façade(s) and the public right-of-way(s) is recommended.
- e.) Connection(s) to the retail building sidewalks and public spaces from the multi-use pathway located at each right-of-way shall be required. At least one (1) bicycle rack shall be provided.
- f.) No automobile parking shall be located between the primary building elevations and the public-right of way along Home Road and along Stietz Road between the Home Road intersection and the primary curb cut along Stietz Road (that shall align with the library curb-cut to the west side of Stietz Road).
- g.) No drive-through lanes may be located between the public right-of-way and the primary building facades. All drive-through lanes must be located behind or adjacent to the primary structure and shall be screened via the building, architectural screen walls, berms or landscaping to minimize visibility from the public right-of-way. All menu boards and order board devices shall be located so that they are not visible from the public right-of-way.
- h.) All trash enclosures shall be located behind the primary buildings and screened on three (3) sides by an enclosure that is complementary or same as the exterior building materials and at least six (6) inches taller than the containers being screened. The fourth side shall be a gate of the same height as screening walls.
- i.) The scale, massing and proportions of all retail buildings shall be residential in nature and shall employ changes in roof heights, wall plane changes that include changes in wall materials, as well as individual storefronts (i.e., no long continuous sections of storefront commonly utilized in a "strip center". Long, un-interrupted expanses of walls shall not be permitted.
- j.) A consistent level of architectural detail and materials shall be used on all exterior building elevations. Wall mounted building utilities (i.e., gas and electric services) shall be located on the sides or rear of each building and shall be integrated into the building façade design.
- k.) All ground mounted service equipment shall be fully screened from view using landscaping or permanent screen walls or combination thereof. Materials for all screen walls shall be consistent with the primary building materials.
- l.) Tenant signage may be provided on both the primary (right-of-way building façade) as well as the secondary (parking area façade) of each building. Pedestrian scale bracket/blade signs are encouraged along the exterior walkways. All wall signage shall comply with the Liberty Township Zoning Code.

18B.08.F.3 Subarea F – Non-Retail Commercial Design Standards. All Non-Retail Commercial Development within Subarea F shall comply with the following design standards.

- a. The building design shall be of a consistent level of detail, use of similar materials, exterior lighting, and landscape design to provide a cohesive presentation between all buildings and structures within Subarea F.
- b. Commercial structures may have a low-slope roof design with perimeter parapets (i.e., pitched roofs are not required).
- c. The maximum building area/lot coverage for non-retail uses in Subarea F shall be 17,000 SF per acre.
- d. Parking areas shall be divided to eliminate large un-interrupted areas of parking. The use of interior landscape islands and sidewalks is required to provide connectivity between various buildings within this Subarea.
- e. Parking Structures shall be designed to incorporate exterior finish materials complementary to and consistent with the primary building structure. The exterior façade design of the parking structures, whether below or attached to the primary building shall incorporate a similar massing and proportions as the primary building structure. In no case shall the parking structure be taller than the primary building to which it is attached.
- f. All ground mounted or roof-top mounted equipment shall be fully screened from view of all public streets and abutting properties by a parapet wall one (1) foot in height taller than the equipment and must be of compatible with the primary building.
- g. All service areas shall be screened from view of the public right-of-way and adjacent properties. Screening may be accomplished by architectural screen walls, berms and/or landscape materials.

18B.08.F.4 Materials. The exterior elevations of all proposed buildings and screening structures shall only consist of any or any combination of the following:

- a.) Wood;
- b.) Red or earth tone brick or brick veneer;
- c.) Native or cultured stone or stone veneer;
- d.) Upscale Vinyl with thickness 0.044" (nominal)
- e.) Stucco/EIFS;
- f.) Pre-cast concrete where used as an accent;
- g.) Cementitious siding (such as HardiPlank' or similar) and/or composite siding (such as SmartSide or similar);
- h.) Metal and glass (except for multi-family uses);
- i.) Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.

The above material requirements shall not be applicable to soffits, fascia windows, downspouts, gutters, window glazing, trims and reveals, as well as hardware and similar accents.

- 18B.08.F.5** Roofing. All residential pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate, unless otherwise approved in the Final Development Plan.

Roof pitches for primary residential buildings that are visible shall be minimum 6:12.

- 18B.08.F.6** In Subarea F, rooftop mechanicals shall be screened from view of all public streets and abutting properties by a parapet wall one (1) foot in height taller than the equipment and must be of compatible with the primary building.

- 18B.08.G** Exterior Lighting. The Exterior Lighting Plan is subject to the following requirements:

- 18B.08.G.1** Traffic signals shall be in accordance with any applicable county or state regulations.

- 18B.08.G.2** Site lighting shall be required for each sub area, designed to sufficiently illuminate the site and minimize spillover from the property.

- 18B.08.G.3** Light poles shall not exceed twenty (20) feet in height and should be in harmony with the parcel, building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.

- 18B.08.G.4** Building, pedestrian and landscape lighting may be incandescent, metal halide or other sustainable lighting as determined by the Zoning Commission.

- 18B.08.G.5** All parking lot areas exclusive of driveways to garages shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one half (0.5) foot candle and three (3) foot candles.

- 18B.08.G.6** All external lighting shall be decorative, cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a residential zoning district or an existing Residential use.

- 18B.08.G.7** Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.

- 18B.08.G.8** All Landscape Up-light Fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.
- 18B.08.G.9** No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.
- 18B.08.G.10** External building lighting shall be limited to wall-mounted sconces and wall pack fixtures.
- 18B.08.H** Signage. Graphics and Signage in the POD shall conform to Section 18B.07(D) and Article 20 of the Zoning Resolution or as approved by the Zoning Commission.
- 18B.08.I** Landscaping. All yard areas and Open Spaces shall be landscaped in accordance with an approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:
- 18B.08.I.1** Right-of-Way. The primary road through the POD area shall be boulevard style, with trees in the center median; shade trees having a minimum caliper of two and a half (2 1/2) inches, or ornamental and evergreen trees 6 feet in height; one tree for every sixty (60) lineal feet. Trees may be evenly spaced or grouped.
- 18B.08.I.2** Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.
- 18B.08.I.3** Plants. All plants shall meet or exceed the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.
- 18B.08.I.4** Maintenance. All trees and landscaping shall be well maintained. All maintenance and upkeep of landscaping shall be the responsibility of the owner of such yard, space or area where the landscaping is located. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six (6) months or the next planting season, whichever is sooner.
- 18B.08.I.5** Street Trees. Trees along all internal public streets, shall be planted at a minimum distance of forty (40) feet or 1 per 50 feet for a per lot development. Trees shall be of deciduous species normally attaining full-grown height in excess of fifty (50) feet and shall be of two (2) to two and a half (2 1/2) caliper or greater at the time of planting. Street trees (not located within the boulevard) shall be located outside the right of way, on both sides

of the street. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

18B.08.I.6 Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow as necessary to protect existing trees.

18B.08.I.7 Since 6355 Steitz Road, the "6355 Property", has livestock operations, the Developer of Subarea A, at Developer's sole cost and expense, will install on the Subarea A property, a fence along the 6355 Property east boundary and along that portion of the 6355 Property southern boundary shared with Subarea A. During the final development plan application process for Subarea A, the Developer and owner of the 6355 Property will work cooperatively on the design and placement of the fence. The fence will be installed prior to the commencement of construction on the first single family home located in Subarea A.

18B.08.J Parking and Loading. Parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan, unless a phasing schedule is approved as part of a Development Plan. All parking shall conform with the following provisions:

18B.08.J.1 Minimum Number of Parking Spaces Required. For Multi-family residential, a minimum of two and one-fourth (2 1/4) parking spaces for each Dwelling Unit is required. The minimum number of parking spaces required for Single Family and Attached Homes shall be 2 spaces per dwelling unit. Parking for any on site amenities or recreational facilities/activities, accessory uses/facilities may be reduced ninety percent (90%) by right and reduced to zero by the Zoning Commission upon Development Plan approval. Parking spaces shall be 10' x 20', except that parking spaces may be reduced to 8'x18' for garage spaces, parking spaces in front of garages, and/or additional parking areas that exceed the aggregate minimum number. Surface parking spaces, driveway spaces and garages spaces may count toward required parking. Driveways shall be permitted to be 8 feet wide (minimum). Driveways shall not be required to have maximum slopes. Driveways may be located 5 feet from intersections.

18B.08.J.2 On-Street Parking in Multifamily Proposals. On street parking shall be permitted on both sides of the street, upon final approval of the fire department. In Multi-Family Dwelling proposals in the POD, an applicant may be allowed to count parallel or angled On-Street Parking spaces located along private streets towards the minimum parking requirements of this POD, so long as those parking spaces are within a three hundred foot radius of any entryway to the proposed Multi-Family Dwelling structure(s).

18B.08.J.3 No driveway shall be located so that it enters a public road within twenty (20) feet of the intersection of any two (2) public road rights of way. This requirement shall not apply to and there shall be no restriction for a driveway entering into the opposing right of way of a "T" intersection.

18B.08.K Open Space. A minimum of twenty percent (20%) of the total POD acreage shall remain and be utilized as Open Space, the "POD Total Open Space Requirement." A minimum of ten percent (10%) of the total POD acreage shall be organized within each Sub-Area, except Sub-Area C, as Open Space, the "Sub-Area Open Space Requirement." Open Spaces may include features such as, but not limited to, bike paths, walking paths, existing bodies of water, water impoundments, public and private utility easement areas, forested and landscaped areas not included in a single-family yard requirement, and similar features. Open Space may include the enhanced landscape buffer area provided within the fifty (50) foot setback in sub areas A, B and C where adjacent to the existing (westerly) residential homes along Steitz Road. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding. The applicant for each Final Development Plan shall have the responsibility for updating the documentation showing compliance with the POD Total Open Space Requirement. The responsibility for maintenance of Open Space within each sub area shall be specified by the applicant in writing within a Final Development Plan. Open Space may be proposed to be owned by an Association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted.

Subarea F Amenity Area. Development of Subarea F shall include a greenspace that shall be developed with an amenity area which may include gazebo or picnic shelter for seating or other feature(s).

18B.08.L Multi-Use Paths and Pedestrian Access. Interconnectivity shall be provided for pedestrians and non-motorized uses. Sidewalks shall be located along internal streets and roads with additional facilities through open spaces and connections at logical locations. Wider bike paths shall be provided on at least one side of larger arterial roads and where connections to regional systems are warranted. Larger proposals should include a master bikeway/pedestrian plan.

18B.08.M Trash and Garbage Control (Attached Homes or Multi Family Residential). All trash and garbage shall be stored in container systems (dumpsters or compactors) which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or wood fencing at a minimum of six (6) feet in height.

Subarea F: Service courts, waste and refuse areas shall be screened from all public streets and abutting properties by landscaping, mounding and or walls. Waste and refuse shall be screened on three (3) sides by an enclosure that is complementary or same as the exterior building materials and at least six (6) inches taller than the containers being screened. The fourth side shall be a gate of the same height as screening walls.

18B.08.N Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping. Notwithstanding anything to the contrary, this provision shall not apply to the existing high tension electric transmission lines that are located on the property.

Developer, subject to engineering approvals, will install the sanitary sewer service line, within Sub-Area A along the western boundary line of Sub-Area A. In addition, for those homes along the east side of Steitz Road that are adjacent to Sub-Area A, the Developer will provide, at no cost, easements for those homes to connect individual sanitary sewer service lines to the Sub-Area sanitary sewer line. Each homeowner shall be responsible for all cost, including tap fees, to connect into the Sub-Area A sanitary sewer service line.

18B.08.O Storm water Basins. Bio-retention basins, or rain gardens, may be used when approved by the Zoning Commission as part of a Development Plan and upon approval from Delaware County. Storm water basins, drains, impoundments and appurtenances of any kind may be located in the front, side or rear yard(s) of any lot. All storm water basins shall be constructed per the requirements adopted by Delaware County Soil and Water, and shall have no minimum or maximum size.

18B.08.P Other Requirements. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favour of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Unless specifically set forth by the standards contained in this Article 18B or those standards approved by divergence, the general development standards found in Article 7 of the Liberty Township Zoning Resolution shall apply.

18B.08.Q Miscellaneous. No roadway access will be permitted from Sub-Area A to Steitz Road; however, emergency access will be permitted.

18B.08.R JEDD Subarea F ONLY. Unless otherwise excluded by resolution approved by the Board of Trustees, Subarea F only may be included in a joint economic development district created under Section 715.72 of the Ohio Revised Code and in which Liberty Township is a contracting party (a "JEDD"). No Application and Final Development Plan shall be approved unless this condition is acknowledged in writing at the time of filing the Application for Final Development Plan. In the event that a JEDD has not yet been formed at the time of filing of an Application, an Applicant shall include as part of the development text contained in the Final Development Plan a written acknowledgement of the requirement and state that the Applicant shall affirmatively take all steps necessary to assist in the creation of a new JEDD in which Liberty Township is a contracting party by agreeing to add all real property put to a commercial use in a new JEDD. In the course of assisting in the creation of this new JEDD, the Applicant shall be required to obtain an executed petition or petitions that fulfill the statutory requirements of R.C. 715.72(J) from the owner(s) of record, and the owner(s) of any businesses operating thereon, for any property included in the Application and Final Development Plan that is up to a commercial use, to effectuate and acknowledge said property owner(s) and business owner(s) consent and subjection to the JEDD. No permit or Certificates of Zoning Compliance shall be issued by the Zoning Department until such time that all real property put to a commercial use that is part of an Application has joined a JEDD

as required herein. In the event a JEDD is not formed and in place at the time an Application is submitted, all normal and customary permits including Zoning Compliance shall be issued upon acknowledgement in writing that at such time as a JEDD is formed, the commercial uses shall thereafter join the JEDD. Notwithstanding the foregoing, property located in Subarea F which is proposed for and developed exclusively as an area containing solely residential development without any no commercial component (including Independent Living, Retirement Community, etc. and without regard to how such uses are treated for tax purposes) shall not be included or subject to the JEDD. Any subsequent change of use from residential to commercial use shall be subject to this Section 18B.08.R. Residents of Independent Living, Retirement Community, Assisted Living, Skilled Nursing/Memory Care or other similar uses shall remain residential and not subject to the JEDD.

Section 18B.09 – STANDARDS

POD 18B STANDARDS							
SUBAREA	A	B	C	D	E	F	G
USE	Single Family Residential	Single Family Residential or Attached Homes	Single Family Residential or Attached Homes	Single Family Residential or Attached Homes	Single Family, Attached Homes and/or Multi Family Residential	Office, Commercial, ACLF/Independent living	Single Family, Attached Homes and/or Multi Family Residential
SETBACK STANDARDS - Note: Streets are permitted within setbacks.							
Steltz Rd Building + Parking	50' from ROW	50' from ROW	50' from ROW	N/A	N/A	Buildings 50' from ROW Patios 30' from ROW* Parking 50'***	N/A
Home Rd Building + Parking	N/A	N/A	N/A	N/A	N/A	Buildings 50' from ROW Patios 30' from ROW* Parking 50'***	N/A
Sawmill Pkwy Building + Parking	N/A	N/A	N/A	N/A	N/A	N/A	50' from ROW
Hyatts Rd Building + Parking	N/A	N/A	N/A	N/A	N/A	N/A	50' from ROW
Primary Roadway (Blvd) Building	N/A	30' from ROW	30' from ROW	30' from ROW	30' from ROW	30' from ROW	30' from ROW
Perimeter Adjacent to Existing Residential Use along Steltz	50'	50'	50'	N/A	N/A	25'	N/A
Perimeter Adjacent to Existing Residential Uses along Sawmill/Hyatts	N/A	N/A	N/A	N/A	N/A	N/A	25'
Perimeter Adjacent to Residential (east property)	N/A	N/A	N/A	N/A	N/A	25	N/A
Perimeter Adjacent to Existing Non-Residential or Undeveloped Property	25'	N/A	N/A	25'	25'	25	25'
Internal Subarea***	10'	10'	10'	10'	10'	10'***	10'
Minimum Building Separation	10'	10'	10'	10'	10'	10'	15'
SINGLE FAMILY LOT STANDARDS							
Minimum Lot Width (at Front Setback)	50'	50'	50'	50'	50'	N/A	50'

Minimum Front Yard Setback	20'	20'	20'	20'	20'	N/A	20'
Minimum Side Yard Setback (per side)* may allow 2 feet of encroachments for eaves, mansard roofs, bay windows	5'	5'	5'	5'	5'	N/A	5'
Minimum Rear Yard Setback (or Perimeter setback if greater)	20'	20'	20'	20'	20'	N/A	20'
ATTACHED HOME STANDARDS**							
Minimum Lot Width (at Front Setback)	N/A	20'	20'	20'	20'	N/A	20'
Minimum Front Yard Setback (From ROW or Edge of Pavement)	N/A	20'	20'	20'	20'	N/A	20'
Minimum Side Yard Setback (per side)**	N/A	5' or zero	5' or zero	5' or zero	5' or zero	N/A	5' or zero
Minimum Rear Yard Setback (or Perimeter Setback if greater)	N/A	10'	10'	10'	10'	N/A	N/A
* may allow 2 feet of encroachments for eaves, mansard roofs, bay windows							
** attached units shall have zero setback/zero lot line. Single family dwellings where exterior lots conform to the lot lines, zero setback shall apply.							

* Patios may encroach into the setback up to the right of way.

**Cross reference 18B.08.F.2.

*** Internal Parking Setback within Subarea F shall be zero, as shared parking is encouraged.

Section 18B.09 – DEFINITIONS

The following definitions shall apply to terms that are used specifically in this POD. Otherwise, the definitions in Article 4 shall apply.

Assisted Living Facility: A residence for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently that provide room, board, supervision, and assistance in daily living, such as housekeeping services. They may provide other services, such as nursing care, recreational activities, financial services, and transportation.

Attached Home: multiple-unit dwelling of 2, 3 or 4 units per building.

Density: the ratio of units per acre, calculated on a total gross acre basis.

Impervious Surfaces: areas that have been, or are proposed to be, paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

Independent Living Facility: A housing facility that predominantly consists of independent living units and maximizes independence, especially for disabled persons living in a community rather than a medical facility. The facility can include multi-unit buildings, or several single-family buildings arranged in a community.

Landscape Uplight Fixture: a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

Multi-Family Dwelling: for the purposes of this POD only, Multi-family Dwelling is defined as a residential building arranged or designed for more than four (4) dwelling units as separate and complete housekeeping units.

Non-Residential use: any use of land that is permitted by the Liberty Township Zoning Resolution and does not include the human habitation of a structure or any use incidental or accessory to such habitation.

On-Street Parking: striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

Parking Aisle: the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

Parking Bay: a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.

Patio Home: a stand alone, single dwelling unit.

Private Road: a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.

Public Road: any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Residential Use: any permitted use of land where a dwelling has been constructed with the intent of human habitation of that structure. Structures may be detached single family dwelling, two, three or four family dwelling(s), or Multi-Family Dwelling. Residential Uses also include all uses that are incidental to or accessory to the human habitation of a structure.

Retirement Community: Any age-restricted development, which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms.

Road or Roadway: each road is defined by its classification as those classifications are delineated in the Liberty Township Zoning Resolution.

Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward.

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