

**PRICE PONDS
PLANNED RESIDENCE DISTRICT (PRD)
DEVELOPMENT TEXT**

Background and Introduction:

This Development Text relates to and is an integral part of a Planned Residence District (PRD) Application for a Zoning Amendment (the above referenced Application together with all supporting materials filed in connection therewith is referred to herein as the "Application") filed by The Romanelli Company LLC, as Applicant (the "Applicant"), pertaining to approximately 183.97 acres located to the east of Golf Course Road south of Big Walnut Middle School, Village of Sunbury, Delaware County, Ohio (the "Property"), to be developed as a 336 lot residential subdivision (the "Development"). The Application is being filed pursuant to Section S81.15:07 of the Village of Sunbury Revised Zoning Ordinance of 2018, as amended to date – Planned Residence District (PRD), as in effect on May 12, 2020 (the "Zoning Code"). The rezoning is governed and controlled by the Zoning Code as in effect on May 12, 2020. All references herein to ZC Sections or ZC Articles refer to applicable Sections or Articles of the Zoning Code. All "Tab" references herein are to the applicable Tab No. of the Application.

This Development Text is an integral part of the Development Plan required by ZC Section 81.15:07.5(b) and constitutes the text required thereby. To the extent a matter required by ZC Section 81.15:07.5(b) is required to be stated in textual form, is not otherwise stated herein, but is otherwise contained in other text or drawings contained in the Application, such text shall be deemed incorporated herein by this reference.

As contemplated by ZC Section 81.15:07.1, the Application proposes rezoning the Property into a well-organized residential area taking into account unique natural factors, contemporary land use concepts and a balanced residential environment necessary to meet these needs while preserving and enhancing the health, safety and general welfare of the inhabitants of the Village of Sunbury.

Certain materials contained in the Application refer to the Development as "Price Ponds".

Relationship to and Compliance with Comprehensive Plan:

The Application is in keeping with the spirit and intent of the Village of Sunbury Comprehensive Plan approved November 2, 2016 (the "Comp Plan") for the following reasons:

- The Development is a traditional neighborhood design (TND) as recommended throughout the Comp Plan, with homes designed on small lots with grid streets and designed as a walkable neighborhood.

{00416540-2}

- The Development is designed as a mixed use single-family neighborhood with two housing options and will provide for a Homeowners' Association to maintain the open space.
- The Development will be a walkable community providing its residents access to nearby parks, neighborhoods and schools without the need to use an automobile.

Section S81.15:07 - PLANNED RESIDENCE DISTRICT (PRD)

1. PURPOSE - Sunbury recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence 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 the municipality.
2. APPLICATION - The provisions of this section of the Zoning Ordinance shall apply to all lands of the municipality regardless of the size of the parcel being developed, which are to be developed in a balanced residential environment.
3. PERMITTED USES - Within the Planned Residence District (PRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:
 - a) Residential structures of any type, either single family or multi-family, cluster, patio, common wall or any reasonable variation on the same theme.
The Development will be limited to 336 single-family residential structures with a mix of ranch and two story homes. The Homeowners' Association for the Property will provide for maintaining the open space, walking trails and parks located throughout the Development.
 - b) Non-residential 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 Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
 - c) Commercial uses to the extent that said uses are totally self-contained within the multi-family residential structures and are designed solely for the purpose of providing service to that or adjoining residential structures. No commercial use shall be established prior to the substantial occupancy by the residents it is designed or intended to serve.

{00416540-2}

- d) Temporary structures in accordance with S81.14.03(B).
 - e) Home occupations in accordance with S81.14.03(C).
4. **CONDITIONAL USES** - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six (6) months.
- a) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
 - b) Family Care Home in accordance with S81.14.03(J).
 - c) Model home(s) so long as the business conducted is limited to the residential structures and lots within the PRD. The model home shall be ready for occupancy as a residential structure before any permit is issued. The restrictions in S81.14.03(C) shall be modified to apply whenever possible.
 - d) Other uses of like or similar nature which promotes the purpose of this district.
5. **PROCEDURE** - In addition to any other procedures set out in this Ordinance, all applications for amendments to the zoning map to re-zone lands in this district shall follow the procedures hereinafter set forth:
- a) **Application** - The owner or owners of lots under the jurisdiction of the Sunbury Planning and Zoning Commission may request that the zoning may be amended to include such tracts in the Planned Residence District in accordance with the provisions of this ordinance.
 - 1) The applicant is encouraged to engage in informal consultations with the Sunbury Planning and Zoning Commission prior to formal submission of a development plan and request for an amendment to the zoning map; it being understood that no statement by Officials of Sunbury, Ohio, shall be binding upon either.
 - b) **Development Plan** - Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in text and map the following:
The Applicant has submitted fifteen (15) copies of the Application and all supporting materials to the Village of Sunbury. This Development Text and other

materials included in the Application constitute the Development Plan required by ZC Section 81.15:07.5(b).

- 1) The proposed size, location, and the total number of units to be developed in the Planned Residential Development.

The Development is approximately ±183.97 acres located on the west side of the Village along the eastern side of Golf Course Road between South Galena Road and Cheshire Road, Village of Sunbury, Delaware County, Ohio and will consist of 336 single family residential units. There are planned to be, generally, 199 – 60'x120' lots and 137 – 70'x130' lots. There will be at least one model home.

- 2) The general development character of the tract including property boundaries, the limitations or controls to be placed on residential and related uses, probable lot sizes, density levels, and other development features including landscaping, and the proposed location, size and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.

The project is designed as a mixed use single-family neighborhood with two housing options. The Development will consist of public streets and subdivided single family home lots within the boundaries of the Development, as depicted on the Overall Development Plan (Tab 5). Uses will be limited to single family home occupancy. The proposed Development will blend seamlessly with the surrounding neighborhoods by matching similar design elements such as sidewalks, tree-lined streets, similar front yard setbacks, open space areas, landscaping and entry features. The Applicant is proposing 336 single-family homes at a gross density of 1.83 dwelling units per acre, being generally 199 – 60 feet wide and 120 feet deep, 137 – 70 feet wide and 130 feet deep. See Tab 12 – Lot Distribution Diagram. The entire Development will be landscaped as depicted on Tabs 8, 9 and 10.

±93.98 acres, or 51.08% of the Development, will be dedicated open space, which will be owned and maintained by the Homeowner's Association. At least 39.59 acres or 42.13% of the dedicated open space will be suitable for active recreation, of which, 20.76 acres located in the north east corner of the Development will be deeded to the Village. See Tab 13 Open Space Plan. The open space contains a variety of activities. There are 8-foot wide

interior trail connections to the existing Big Walnut Middle School and General Rosencrans Elementary School. The open space area contains several activity areas including a playground/tot lot and an active play area. Throughout the Development are various other open space preserves and walking paths to provide connectivity between various portions of the Development and to adjacent neighborhoods and schools. Additionally, a regional 10 foot (minimum) wide multi-use asphalt trail is being provided across the Development per the Comp Plan.

- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
Architecture will provide for high quality single family homes. External building materials will comply with ZC Section 81.16.01(23)(B)(c). The only signage for the Development will be street signs.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
All required utility providers have provided "will serve" letters for the Development (See Tab 16). Advance Civil Design has provided a Preliminary Utility Plan for the Development (See Tab 17).
- 5) The proposed pedestrian and vehicular traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
Tab 5 – Overall Development Plan, Tab 6 – Development Plan Subarea A and Tab 7 – Development Plan Subarea B depicts all roadways and sidewalks and vehicular traffic patterns for the Development and their relationship to existing conditions. All streets within the Development will be public. The Village of Sunbury will be responsible for the upkeep of these streets, including, but not limited to, snow plowing and salting, street cleaning or resurfacing and repair.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
The Development will help complete development along the western edge of the Village and fit in nicely with the surrounding walking trails, schools and residential neighborhoods.
- 7) The location of school, park, and other community facility sites, if any.

There are 8-foot wide “local” interior trail connections to the existing Big Walnut Middle School to the north and General Rosencrans Elementary School to the northeast. The Development will have a playground/tot lot and active play areas, along with walking trails throughout and connecting to adjacent neighborhoods and schools.

- 8) The proposed time schedule for development and probable uses of surrounding areas.

The project will be developed in seven phases. See Tab 14 – Phasing Plan. Construction of Phase I for the single family is schedule to begin in May 2021 or upon final approval of engineering plans for Phase I. Subsequent phases will occur consecutively until all homes are sold.

The property to the south and southwest of the Development has recently received plat approval and will be known as Rolling Hills. Road connectivity and walking trails will be used to tie the Development together with the Rolling Hills residential neighborhood. The area to the west, across Golf Course Road, is within Little Walnut Creek’s floodplain, is owned by the City of Columbus, and therefore will likely remain undeveloped and natural. The property to the north consists of some single-family residential on large-acre lots and the Big Walnut Middle School. There will be roadway and trail connectivity to the development to the north, to be known as Magnolia Park, as shown on Tab 5 – Overall Development Plan. There is an existing neighborhood to the east and south, known as Sunbury Mills, to which the Applicant has provided walking trails and a street connector to such neighborhood (see Tab 6 – Development Plan Subarea A and Tab 7 – Development Plan Subarea B).

- 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 ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textural form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.

The Development will be developed in seven phases. See Tab 14 – Phasing Plan.

Phase I: 33 lots – 29.79 acres
Phase II: 48 lots – 11.59 acres
Phase III: 57 lots – 28.72 acres
Phase IV: 50 lots – 24.33 acres
Phase VA: 57 lots – 22.6 acres

Phase VB: 14 lots – 6.56 acres
Phase VI: 30 lots – 26.04 acres
Phase VIIA: 31 lots – 19.29 acres
Phase VIIB 16 lots – 15.03 acres

- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

The Applicant currently has the Property under contract to purchase. The Development has been annexed into the Village of Sunbury. Water and sanitary sewer services are available to the Development according to Del-Co Water and the Village Engineer – See Tab 16.

- 11) Specific statements of divergence from the development standards in Section S81.16.01 and S81.15.07 and justification therefore.

The Applicant is requesting the following divergences:

Divergence Request #1: *Section S81.15.07(6)(d)(1) – PRD Development Standard. FRONT YARD SET BACK – All dwellings shall have a setback from the right of way line of forty feet. If the right of way of the adjoining street or road is less than sixty (60) feet, no building shall be located closer than seventy-five (75) feet to the center line of said road or street.*

The Applicant is requesting a reduction resulting in a front setback of thirty feet on the 70' lots and twenty-five feet on the 60' lots. The Applicant believes potential homebuyers will prefer a larger rear yard over a larger front yard. Thirty feet and twenty-five feet are both large enough to allow cars to park in the driveway without encroaching on the sidewalk. In addition, the reduced front setback is consistent with other surrounding neighborhoods such as Sunbury Mills (Section 3, Page 8) with 25 feet and Sunbury Mills (Section 5, Part 2) with 30 feet. Applicant respectfully requests that a divergence permitting 25 feet and 30 feet setback from the edge of the right of way be justified and granted by the Village of Sunbury.

Divergence Request #2: *Section S81.15.07(6)(d)(3) – PRD Development Standard. REAR YARD SET BACK – A rear yard of not less than forty (40) feet shall be maintained on all parcels within this district.*

The Applicant is requesting a divergence to allow non-conditioned rooms, patios and decks to encroach up to ten feet into the rear yard. The Applicant believes potential homebuyers will value space for three-season rooms, patios and decks over the additional 10 feet of yard space. For

comparison, Sunbury Mills Section 5, Part 2, Section 3 and Section 6 have 35 foot minimum rear yards.

Divergence Request #3: Section S81.16.01(7) – General Development Standards. STRUCTURE SEPARATION – no building shall be located closer than twenty-five (25) feet to another structure unless the adjacent walls of both structures are masonry in which event said buildings shall be no closer than fifteen (15) feet. No building shall be located closer than fifteen (15) feet to another building unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire. The provisions herein shall not apply to a residential garage servicing a single family residential residence.

The Applicant is requesting fourteen (14) feet of separation between fee simple single family residential dwellings. The additional cost necessary to comply with this standard must be reflected in the price of the new homes. Since similar homes in nearby neighborhoods mostly do not have exterior side facing masonry or fire walls, an inconsistency in appraised values will result that cannot be overcome within the projected housing market.

Divergence Request #4: Section S81.15.07(6)(h) MAXIMUM LOT COVERAGE – On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.

The Applicant is requesting an increase in the allowable lot coverage to 30% for 2 story homes, 35% for 70' lots for ranch style homes and 40% for 60' lots for ranch style homes. Granting this divergence will allow a better quality home and one that is consistent with those in adjoining neighborhoods. Sheds are not allowed unless the individual homeowner applies and receives a variance.

Divergence Request #5: Section S81.16.01 22 (e)(1) – MAJOR TREE REPLACEMENT – Each major tree removed during the course of any development or building construction shall be replaced by the owner with trees that have a total caliper (diameter) equal to or greater than the total caliper of the major tree removed. In no case shall any replacement tree have a trunk diameter less than two (2.0) inches, measured twenty-four (24) inches above ground.

The Applicant is requesting a waiver of this Section due to the impracticality in complying. Faris Planning & Design prepared an existing tree survey dated 11/13/2017 for the previous rezoning application submitted for this Property. Faris Planning & Design surveyed sample areas in the wooded portions of the Development to develop an estimate of caliper inches in those areas, as well as inventoried trees in tree rows and isolated groupings. See Tab 15 – Existing Tree Survey. Given the wooded nature of the Property, the Applicant has minimized disturbance to the wooded areas as much as possible to retain natural buffers wherever practical. Large specimen trees were specifically identified and worked around in the Development Plan to the best extent possible to maintain those trees. To fully comply with the requirement more trees than being removed would need to be planted on the site to fulfill this requirement (18,360 new trees at 2 ½ caliper versus approximately 3,120 removed trees).

Tree Impact Summary:

- Total inches of major trees on site: 132,649
- Total inches of major trees removed: 42,900 (approximately 3,120 trees)
- Total inches of major trees preserved: 89,749

Section S81.16.01 22(e)(4) – Should tree replacement be determined by the Planning and Zoning Commission to be inappropriate, a sum suitable to complete the required replacement shall be paid to the Village for use by the Parks and Recreation Committee as deemed appropriate.

The Applicant will agree to the following:

- Install street trees within the tree lawn
- Install three yard trees per home
- Install trees throughout the open space areas
- Pay \$250 (Two Hundred Fifty Dollars) to the Village for each home when the building permit is acquired.

Calculations:

- Street Trees:	644
- Yard Trees:	1008
- Open Space and Buffer Trees:	<u>513</u>
TOTAL:	2,165 trees
	OR approximately 5,412 caliper inches

{00416540-2}

It should also be noted that the Applicant will NOT impact an estimated total of 89,749 inches, or 68% of the trees on the site.

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

After approval of the plats, building plans, and engineering plans, and before construction begins, any sureties required from the Applicant will be submitted to the Village of Sunbury as required by their procedures.

6. **DEVELOPMENT STANDARDS** - In addition to any other provisions of this ordinance the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.

- a) Intensity of Use - The maximum density shall be 2.5 dwelling units per gross acre of area within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of 2.5 dwelling units per gross acre. Increased densities may be recommended by the Sunbury Planning and Zoning Commission and granted by the Sunbury Council if it is determined that any of the following conditions exist:

- i. If the property is directly adjacent and easily accessible to major thoroughfares.
- ii. If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.
- iii. If the property is developed in a high quality of building design and site design.
- iv. If the property is developed to include major community services such as churches and schools.

The Sunbury Council may grant zoning incentives of up to one (1) unit per gross acre for each of the above standards of quality found to exist, however, the total density for the entire area of the development shall not exceed seven (7) units per gross acre.

For purposes of development within the Planned Residence District in Sunbury, Ohio, the maximum density for any single acre within the development shall be as follows:

1. Single Family: A maximum of 3 units on any single acre within the development.
2. Two Family and Townhouse: A maximum of 8 units on any single acre within the development with a maximum of 4 units side by side and connected with a common wall.
3. Two Story Apartment: A maximum of 8 units on any single acre within the development with a maximum of 4 units side by side and connected with a common wall.

The Applicant is proposing 336 single family homes at a gross density of 1.83 dwelling units per acre.

- b) Required Square Footage - 1450 square feet, exclusive of basement, porches, and garages.

The Development will comply with this standard.

- c) Open Space - Open space shall be in compliance with Section 81.16.01(21).

The Development will comply with this standard. See Tab 13 – Open Space Plan. ±93.98 acres or 51.08% of the site will be open space. All of the open space, but-for the northeast corner to be deeded to the Village, will be owned and maintained by the Homeowners' Association. At least 39.59 acres or 42.13% of the open space will be suitable for recreation.

- d) Arrangement of Structures - The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with the following:

- i. Set Back - All dwellings shall have a setback from the right of way line of forty (40) feet. If the right of way of the adjoining street or road is less than sixty (60) feet, no building shall be located closer than seventy-five (75) feet to the center line of said road or street.

The Applicant is requesting a divergence from the forty feet front setback requirement in order to establish a front setback of thirty feet on the 70'x130' lots and twenty-five feet on the 60'x120' lots. See ZC Section 81.15:07.5(b)(11).

- ii. Side Yards - No single family dwelling shall be located closer than seven (7) feet minimum to any side lot line, and a total side yard setback of fourteen

{00416540-2}

(14) feet minimum or twenty percent (20%) of the lot width, whichever is greater. For all other structures within the Planned Residential District the side yard shall be not less than one sixth (1/6) of the sum of the height of the structure and length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within development except as follows:

1. In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure, and
2. In the event said wall has windows said structure shall not be closer than twenty-five (25) feet to the adjoining structure without regard to lot lines. In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area. The requirements for side yards herein shall apply to the principal structures but shall not be interpreted as prohibiting designs of single family structures normally referred to as common wall, cluster, patio or other variations on the same theme.

The Applicant is requesting a divergence from the minimum building separation requirements to allow a minimum of fourteen (14) feet between buildings without the need for masonry walls, a firewall, and/or a wall without any openings.

- iii. Rear Yards - A rear yard of not less than forty (40) feet shall be maintained on all parcels within this district.

The Applicant is requesting a divergence from the forty feet rear setback requirement in order to allow non-conditioned rooms, decks and or patios to encroach up to ten feet into the rear yard.

- iv. 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. Church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial antenna or tower shall be permitted to extend more than twenty-five (25) feet over the highest point of the principal residence on the premises.

The Development will comply with this standard.

- e) Landscaping - All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. Also, landscaping standards

{00416540-2}

shall be in strict compliance with Sections 81.06.03, 81.18.11, 81.16.20 and 81.16.21.

The Development will comply with this standard. Landscaping shall be in accordance with the Landscape Plan Subarea A, Landscape Plan Subarea B and Landscape Enlargements included at Tabs 8, 9 and 10.

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

The Development will comply with this standard. The Development shall maintain to the maximum extent possible all natural drainage courses, vegetation and contours.

- g) The Sunbury Planning and Zoning Commission and/or Sunbury Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

Additional traffic calming will be examined during the engineering design phase.

The Applicant, the Village of Sunbury and necessary property owners in the adjacent area will enter into an agreement acknowledging and confirming the shared cost and applicable reimbursements for the sewers to serve the area.

- h) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.

The Applicant is requesting a divergence from this standard.

- i) Signs – may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.

The Development will comply with this standard. A sign plan will be submitted with the Subdivision Plat.

- j) Lighting - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.

The Development will comply with this standard. A lighting plan will be submitted with the Subdivision Plat.

SECTION S81.16.01 - General Development Standards

All development standards set forth in this Section shall be complied with except to the extent Divergences therefrom have been approved as above provided.

1. GENERAL - It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of type or classification of development. They are designed to insure that the general welfare of citizens of Sunbury, Ohio be protected and enhanced. These development standards apply throughout the municipality. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district, the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Ordinance or prescribed or agreed to by the land owner in any rezoning or variance.

Maximum Lot Coverage on any lot or parcel in R-1, R-2, R-3, R-4, or R-5 zoning district shall a building be constructed which covers more than twenty-five percent (25%) of the lot area.

The Applicant is requesting a divergence from this standard.

2. DESIGN STANDARDS FOR OFF-STREET PARKING

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 standards set forth in Section S81:16-02 of the Ordinance.

There are no off-street parking areas proposed within this Development other than a parking area adjacent to the active play area for 11 cars, including one for a handicap parking space, and a small parking area adjacent to the playground/tot lot for 5 cars, including one for a handicap parking space. Both parking areas will comply with Section S81.16.01 Design Standards for Off-Street Parking.

3. SPECIFIC OFF-STREET PARKING REQUIREMENTS.

There are no off-street parking areas proposed within this Development other than the 11 car lot adjacent to the active play area and the 5 car lot adjacent to the playground/tot lot.

4. DESIGN STANDARDS FOR OFF-STREET LOADING AND UNLOADING

There are no off-street loading and unloading areas proposed for this Development.

5. SPECIFIC OFF-STREET LOADING AND UNLOADING REQUIREMENTS

There are no specific off-street loading and unloading areas proposed for this Development

6. EXCEPTIONS TO HEIGHT LIMITATIONS.

The Development will comply with Section S81.15.07(6)(d)(4) no building will exceed 35 feet.

7. STRUCTURE SEPARATION.

No building shall be located closer than twenty-five (25) ft. to another structure unless the adjacent walls of both structures are masonry in which event said buildings shall be no closer than fifteen (15) ft. No building shall be located closer than fifteen (15) feet to another building unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire. The provisions herein shall not apply to a residential garage servicing a single family residential residence.

Each single family home and attached garage will be placed on a lot at least seven (7) feet from the side lot line resulting in at least fourteen (14) feet of separation between structures. The Applicant may or may not install masonry on the side walls of the homes and therefore is requesting a divergence from this requirement. The Structure Separation requirements shall conform to Ohio Residential Code.

8. SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL.

All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Village of Sunbury. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the zoning inspector.

The Development will comply with this standard.

9. WATER IMPOUNDMENTS.

All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- a) No impoundment shall be located closer than twenty-five (25) feet to the right of way line or fifty-five (55) feet of the center line of any adjacent public right of way.
- b) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fences or walls shall be solid wood, chain link or masonry, and not less than five (5) feet in height and shall be maintained in good condition with a self-locking gate.

The Development will comply with this standard. There are several ponds proposed to manage storm water runoff and the size and location of which are shown on Tab 6 – Development Plan Subarea A and on Tab 7 – Development Plan Subarea B.

10. PUBLIC NUISANCE REGULATIONS.

- a) Prevention of Nuisance. Every structure or use subject to the provisions of the Zoning Ordinance shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.
- b) Required Limits. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of the Zoning Ordinance.
 - 1) Noise. Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other development in the area or from the usual street traffic observed at the street right-of-way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create a hazard.
 - 2) Dust. Dust or particulate matter shall be so controlled as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.
 - 3) Odor or fumes. Odor or noxious fumes shall be so controlled as not to be offensive nor to create a hazard.
 - 4) Glare. Glare or heat from processing or other activity or lighting shall be so screened as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.

The Development will comply with this standard.

11. LANDSCAPING.

All uses and improvements in the municipality should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible.

The Development will comply with this standard.

12. CONDITION OF PREMISES; WASTE ACCUMULATION.

The Development will comply with this standard.

No person, firm, or other property owners or residents shall:

- a) Cause or permit waste, garbage, trash or any debris such as lumber and building materials , unused tires or other material to accumulate or remain on their property except as follows:

{00416540-2}

- 1) Trash and garbage properly located for normal and regular pickup, provided that no such items shall be permitted to remain exposed to open view beyond normal pickup times.
 - 2) All trash and debris associated with or resulting from the construction of either residential or commercial structures permitted hereby shall be contained on the construction site in a stable and secure enclosure. The permit holder shall maintain the enclosure and site so as to control litter and debris at all times, and remove and dispose of the debris in an approved landfill. The enclosure shall be removed from the site within ten days of issuance of the occupancy permit or within ten days of cessation of active construction work.
- b) Permit commercial vehicles or non-private passenger vehicles exceeding four to be parked or remaining in open view upon the premises of a residential neighborhood except in connection with repair or construction work being undertaken at the premises and only during such periods of repair or construction.
- 1) All motor vehicles at the premises, whether private, passenger, commercial or other, shall be parked on driveways or paved areas or concealed from public view in private garages, carports, etc. No motor vehicles shall be parked in required yard areas of residential neighborhoods.
 - 2) All such motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment and registration and licensing laws displaying proper tags and validation stickers.
 - 3) Motor homes, trailers, boats and other non-private passenger vehicles shall, as nearly as practicable, be concealed from public view.
- c) Fail to keep the exterior of all residential and commercial premises in good condition, and well maintained, including painting, if necessary, and such persons shall, within a reasonable time, after notice, remove or remedy all unsightly, dirty and unsafe conditions.
- d) Keep all vacant lots mowed as often as necessary in keeping with the character of the neighborhood to prevent pestilence, insect infestation, and to discourage use of the property for dumping or landfill purposes.
- 1) All such vacant property shall be kept free of hazardous and unhealthful accumulations of water and other conditions affecting the health and welfare of residents of the Municipality.
 - 2) In those instances where such vacant property is being used contrary to Municipal zoning laws and other ordinances, the property owner, upon notice, shall take appropriate remedies to prevent such unlawful uses in cooperation with Municipal officials.

{00416540-2}

- 3) All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands and kept free of trash and debris.

13. CORRECTIVE ACTION BY MUNICIPAL OFFICIALS.

- a) All violations of this section which remain uncorrected after not less than ten days' notice to the owner or resident, may be corrected by the Municipality, or by any person, firm or organization selected by the Municipality, and the costs thereof shall be paid by the owner of such property within thirty days.
- b) Any such charges which remain unpaid for the thirty days may be collected in any manner provided by law and shall be certified by the Administration to the Auditor of each county wherein such property may be located to be charged as a lien against the property.
- c) Violations occurring on construction sites may result in the issuance of a stop-work order until the site is brought into compliance.

14. PENALTY.

Whoever violates any provision of this section, in addition to any other cost or charge is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.

15. APPEALS.

Any person affected or aggrieved by this section may appeal a decision of the Manager or the Code Enforcement Officer directly to Council, and the decision of Council shall be final.

16. DRAINAGE.

All construction within this municipality shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

The Development will comply with this standard.

17. FLOOD PLAIN REGULATION.

No part of the Development is within the 100 year floodplain per FIRM map 39041C0257K (See Tab 18).

18. DAMAGE AND/OR DESTRUCTION AND REBUILDING

- a) Upon damage of any nature to a building in any zoning classification covered by the Zoning Ordinance of 1997 and subsequent amendments thereto, in which any building structure would be unusable, uninhabitable, unsafe, or not fit to use as a home, business, a manufacturing plant, or any other type of use, said building must be removed completely from the premises within six (6) months of said damage.
- b) If the owner, lessee, or other interested persons having a right to reconstruct desires to do so instead of removing said building or buildings, they shall have an additional six (6) months to begin to construct or rebuild said buildings, with the total of a and b above to be one (1) year, upon application to the Sunbury Planning and Zoning Commission for approval.

The Development will comply with this standard.

19. STREET TREE PLANTING REQUIREMENTS

The following are street tree planting requirements for all zoning districts:

- a) It shall be required that all subdividers or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the Village of Sunbury. In no case shall said trees be species included on the list of prohibited trees as set forth by the Village of Sunbury Tree and Landscape Commission. A copy of the prohibited tree list is on file at the Office of the Zoning Inspector. Said trees shall be set back as required by the Zoning and Commission outside of the public right-of-way of sufficient depth to minimize interference with public sidewalks and keep leaves and related tree debris from public streets.

The developers/builder shall be required to maintain the trees for one year after the trees are planted and to replace any tree which dies within such one-year guarantee period. Upon completion of the street tree planting, the landscape contractor shall contact the Village of Sunbury Zoning Inspector for inspection. The guarantee period shall begin after the approval of the Zoning Inspector. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Village's inspection, shall be replaced at the expense of the developer or builder and the one year guarantee period shall begin again for the trees which are replaced.

The developer/builder shall be required to provide a bond to the Village of Sunbury covering the cost of street trees, to be effective during the guarantee period.

The Development will comply with this standard.

20. STREET LIGHTING

The Applicant's preference for street lighting will be presented to the Village in the final development plan and prior to submitting the Subdivision Plat for review and comment.

21. OPEN SPACE REQUIREMENTS

a) Minimum Common Open Space - A portion of the total project area shall be devoted to common open space in proposed subdivisions and planned unit developments as follows:

1) The amount of land, a percentage of each residential subdivision or planned unit development exclusive of streets, which shall be required to be deeded and dedicated shall be 20% of the project area. In commercial, office, and industrial districts the amount of land dedication shall be determined by the Village of Sunbury based on estimated population and recreational opportunities to service the community.

The Development will comply with this standard. ±93.98 acres or 51.08% of the net site area will be devoted to open space.

2) A minimum of 10% of the land to be dedicated as a requirement of this section shall be reasonably adaptable for use for park and recreation purposes and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, geology, tree cover, access and location.

The Development will comply with this standard. Dedicated open space will be 93.98 acres or 51.08%, of which, ±39.59 acres or 42.13% will be suitable for park and recreational purposes. 20.76 acres of the recreational open space will be deeded to the Village. These areas are demarcated on Tab 13 – Open Space Plan.

3) Council, upon recommendation from the Planning Commission, may reduce the land dedication requirement for those recreational areas or facilities which are provided by the owner within the subdivision as a part of the development or in cases where lower density development is anticipated.

A reduction in the open space requirements has not been requested by the Applicant.

- 4) Council may, upon recommendation from the Planning Commission, require or accept cash in lieu of the required land dedication. A cash dedication shall be at a rate established every two years by resolution of Council based upon the recent real estate transactions to determine an estimated average value of land per acre with public improvements completed thereon. The decision to accept cash in lieu of parkland shall be made with regard to the availability of Village park and recreational facilities and by the population generated by the proposed subdivision.
 - 5) Cash received in lieu of parkland dedication shall be placed in a special fund for the development of parks and recreational facilities.
- b) Open Space Requirements- The required common open space shall comply with the following: **The Development will comply with this standard. See Tab 13 – Open Space Plan.**
- 1) The common open space shall be located and designed to:
 - a. Be sufficiently aggregated to create large areas of planned open space;
 - b. Conserve significant natural features to the extent practicable;
 - c. Be easily accessible to residents of the subdivision;
 - d. Generally, be not less than 100 feet in width at any point except for short segments which provide visual and pedestrian connections between larger open space areas;
 - e. Be interconnected with open space areas on abutting parcels wherever possible, by open space corridors.
 - 2) Land area devoted to the following shall not be included as meeting the common open space requirement:
 - a. Public street right-of-ways, private roads and parking areas;
 - b. Required setbacks between building, parking areas and project boundaries and between building and public or private streets unless the required setback is contiguous to and part of a larger area of open space;
 - c. Required spacing between buildings and between buildings and parking areas;
 - d. Private yards within subdivided lots;
 - e. The land area within 15 feet of all dwelling units;
 - 3) Areas designated for common open space purposes may be:
 - a. Preserved as wetlands, woodlands, lakes or ponds, historic sites, environmentally sensitive areas, or similar conservation oriented area; or

- b. Used for outdoor active or passive recreation including in-ground pools, tennis courts, etc. but shall not include the area for recreation building or related parking.
- 4) Any common open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purpose as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall be provided with sufficient parking and appropriate access.
- 5) Legal instruments setting forth the ownership and perpetual maintenance or the required common open space by the developer, homeowners' association or similar entity shall be submitted to the Village Solicitor or City Attorney for review and approval.
- 6) Such common open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.
- 7) The Village may determine that private recreational facilities or common open space provided as a part of a subdivision are of equivalent value to provide in part open space and recreational opportunities for residents of the proposed development that would otherwise need to be provided by the City. In such case, the Planning Commission may waive all or a portion of the requirement for the dedication of land for public purposes. In making such a decision, the Planning Commission shall consider:
 - a. The type and size of facilities provided;
 - a. The availability of the facilities to the residents;
 - b. The likelihood that such facilities will lessen the need for additional public parks and public open space for the residents.
- 8) All common open space shall be prohibited from further subdivision or development by deed restriction or other agreement in a form acceptable to the Village's Attorney.
- 9) Subject to such permanent prohibition as set forth above, common space in a subdivision may be owned by an association or by a similar entity acceptable to the Village. The Village may, but shall not be required to, accept dedication in the form of fee simple ownership of the common open space.

22. TREE PRESERVATION

- a) Purpose - The purpose of the tree preservation regulations established in this section are to conserve energy, promote clean air quality, reduce noise, improve surface drainage, minimize flooding, provide visual buffers, enhance the visual and

{00416540-2}

aesthetic quality of the community, increase property value and to promote the preservation and replacement of trees that may otherwise be damaged or removed during land development and building construction.

b) Definitions

- 1) Caliper: The diameter of the tree trunk.
- 2) Drip Line: A perpendicular line that extends downward from the outermost tips of the tree branches to the ground.
- 3) Major Tree: A tree with a caliper (diameter) greater than 6 inches measured 24 inches above the ground.
- 4) Tree Preservation Area: An area designated in which all trees shall not be removed and shall be preserved and protected during all phases of construction. This area shall be designated on the final plat or site plan with restrictions noted regarding the removal of trees.

c) Tree Survey, Preservation and Replacement Plan - A tree survey, preservation and replacement plan shall be prepared and submitted to the Planning and Zoning Commission for approval. The Village of Sunbury Tree and Landscape Commission shall also review the plan and provide comments to the Planning and Zoning Commission. The tree survey and replacement plan shall contain the following information:

- 1) The location, common name and size of all existing major trees. When a site exceeds five (5) acres, an estimate of the number and size of major trees on a site may be submitted at the discretion of the Planning and Zoning Commission. In preparing this estimate, techniques such as site photographs, aerial photography, site visits to check average density may be permitted;
- 2) Identify the tree preservation areas, including all major trees that will remain on site after the construction and development is completed;
- 3) Indicate protective measures and restrictions to be taken during construction for the tree preservation areas described above. This shall include, but not be limited to the following:
 - a) Temporary fencing around the drip line of the tree;
 - b) No soil disturbance, clearing, grubbing, grading or stockpiling of soil shall occur within the drip line of the tree;
 - c) No change in grade within the drip line of the tree;
 - d) No redirection of surface runoff towards the tree preservation area;

- e) No trenched installation of utilities within the drip line of the tree. Utilities within the drip line shall be bored a minimum of 24 inches in depth below the root system.
 - 4) Identify all major trees that will be removed as permitted by this section;
 - 5) The location, common name and size of all major replacement trees to be planted on the site as required by this section.
 - 6) Replacement trees shall be located in accordance with Ordinance 2008-30.
 - 7) The replacement trees shall be in addition to and coordinated with any landscaping or screening requirements.
- d) Major Tree Preservation and Removal
- 1) Every possible effort shall be made to preserve natural vegetation areas. The design of any proposed development, streets, lots, utilities, structures and parking areas shall avoid the unnecessary removal of heavily wooded areas.
 - 2) All major trees shall be preserved in their current location and condition unless such trees are exempted as follows:
 - a) The tree is located within a public right-of-way;
 - b) The tree is located within a utility easement;
 - c) The tree is within the footprint of a proposed structure, or within fifteen (15) feet from the drip line of the tree to the perimeter of such structure;
 - d) The tree is located within the access drive or walk area for a permanent residential unit;
 - e) A tree which is diseased, damaged, interferes with utility lines, or is an inappropriate or undesirable species as approved by the Village Planning and Zoning Commission.
 - 3) The approval to remove a major tree does not remove the property owner's responsibility to replace the removed major tree in accordance with this section.
- e) Major Tree Replacement
- 1) Each major tree removed during the course of any development or building construction shall be replaced by the owner with trees that have a total caliper (diameter) equal to or greater than the total caliper of the major tree removed. In no case shall any replacement tree have a trunk diameter less than two (2.0) inches, measured twenty-four (24) inches above the ground.

- 2) Tree replacement will not be required on developed single-family residential lots except where a tree has been removed from a Tree Preservation Area.
 - 3) Replacement tree species types must be approved by the Planning and Zoning Commission and be in accordance with Ordinance 2008-30.
 - 4) Should tree replacement be determined by the Planning and Zoning Commission to be inappropriate, a sum suitable to complete the required replacement shall be paid to the Village for use by the Parks and Recreation Committee as deemed appropriate.
- f) Maintenance Requirements
- 1) The owner shall be required to maintain all replacement trees for a two (2) year period after the planting.
 - 2) Any replacement tree that dies or does not exhibit proper growth within the two year maintenance period, shall be replaced by the owner with one (1) year upon notification by the Village.
- h) Penalties
- 1) Failure to replace a major tree or submit fees as required, within one year of the approval of the application, shall be subject to Section S81.06.08.

23. ARCHITECTURAL REVIEW

All building permits in compliance with the zoning code shall be subject to an architectural review, performed by a reviewing agent appointed by the Village of Sunbury.

A. Site Considerations

1. Goal - Maintain the rural village character of Sunbury.
All new and renovated structures should be design-integrated with their neighbors, creating pleasing vistas so all entities are enhanced and one does not reduce the value of another.
The Development will comply with this standard.

2. Roads and Drives

In existing developments, driveway New driveways and parking lots should be encouraged to utilize alley entrances whenever possible. Residential driveways should be designed to provide the least amount of surface area. Commercial and industrial drives should be paved with brick, asphalt or concrete.

{00416540-2}

The Development will comply with this standard.

3. Parking

New businesses should be encouraged to provide parking in the rear to accommodate the minimum number of spaces required in the zoning code. Surface material should be brick, asphalt or concrete.

The Development will comply with this standard.

4. Sidewalks

Sidewalks are required in all residential, commercial and industrial areas. Sidewalks shall be in compliance with Chapter 905 of the Codified Ordinances. Tree lawns shall be in compliance with the Subdivision Regulations. Interior sidewalks shall be required in all private developments regardless of zoning classification in which multiple units access a common parking area to provide pedestrian access between units and to adjacent sidewalks along the public right-of-way and/or private drive. Sidewalks are also required along both sides of private drives.

The Development will comply with this standard.

5. Setbacks

Typically residential structures are set back 20 feet from the street, while commercial structures are separated from the street by the sidewalk. New construction should follow the setback lines appropriate to its location and purpose as defined in the Subdivision Regulations.

The Applicant is proposing a front setback of 30 feet for the 60' lots and a front setback of 25 feet for the 70' lots.

B. Architectural Considerations

1. Residential

a.) Building Types-Buildings in close proximity to each other should have a similar theme dealing with architectural styles.

b.) Roof Types- Single story buildings will be required to have pitched roofs with gable or hip ends. Roof materials shall be shingles, cedar shakes, slate or synthetic slate, and metal standing seam. A minimum of 4-in-12 slope are required, however steeper slopes are

preferred. Flat roofs are not recommended, but may be considered if they are concealed by parapet walls

- c.) Building Materials- Exterior walls shall utilize natural materials such brick, wood, stone, cultured stone, stucco and efis, cementious siding, and architectural grade vinyl. Building color ranges and materials shall present a uniformity of theme within the immediate area.

The Development will comply with this standard.

The exterior cladding of the front elevation of the homes cannot be constructed solely of stucco. If stucco is used in the front elevation it must be blended with stone, brick, cultured stone, EIFS, wood (or cementitious fiber such as hardi plank) or architectural grade vinyl siding, or a combination thereof. A minimum of 25% of the exterior cladding of the front elevation of a home must be natural materials that are different than architectural grade vinyl.

All homes will have a minimum eight (8) inch overhands, 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 wood 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 structures within the property. The same or similar front elevations and/or color treatment shall not be repeated for any home location within one (1) lot on either side or directly across the street from the subject home.

- d.) Doors & Windows- Suggested trim for these openings and other design treatments are wood, stone, ornamental exterior plaster, formed metal or plastic. These materials may also be considered for application on fascias, soffits and vents.
- e.) Improvements such as landscaping; lighting; fencing; parking location, planning and orientation; access roads; lawn areas; pools; terraces; patios; decks; flagpoles; etc. will all be under review for

design compatibility, not only with the project itself, but also with its surroundings.

The Development will comply with this standard.

Section S81.17.01 - SIGN AND BILLBOARD REGULATION

The Development will comply with this Section. Proposed sign information such as location, size and style will be submitted with the Subdivision Plat.