

## **Hawk's Nest at Highland Lakes**

**June 13, 2018**

### **ARTICLE 9: PLANNED RESIDENTIAL DISTRICT (PRD)**

#### **Section 901: Intent and Purpose**

The Township recognizes that with increased suburbanization and population growth come increased demands for well-organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment. The Planned Residential District is intended to promote flexibility of land development for residential purposes while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the Township. Such developments shall be based upon a unified development plan conceived and carried out for the entire site.

901.01 It is the policy of the Township to permit the creation of Planned Development Districts to:

- A) Preserve and extend the charm and beauty existent in and inherent to the rural residential character of Genoa Township;
- B) Provide the economic and social advantages resulting from an orderly planned use of large parcels of land;
- C) Provide a more useful pattern of Open Space and recreation areas;
- D) Promote development patterns, which preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, and prevent the disruption of natural drainage patterns;
- E) Promote a more efficient use of land than is generally achieved through conventional development resulting in substantial savings in utility and street extensions; and
- F) Promote development patterns in harmony with land use density, transportation facilities and community facilities.

901.02 This Section establishes standards for Planned Residential Districts in areas served by central sanitary sewers and Central Water Systems, or developments utilizing other sewage treatment options approved in the development plan.

901.03 Pursuant to Ohio Revised Code Section 519.021(A), this District may be permitted upon application and approval of specific and detailed Final Development Plans and all shall require amendments to the official Zoning Map. Approval for Planned Development rezoning applications may be granted pursuant to ORC 519.12 only when the plan for the project complies with these regulations and promotes the general public health, safety, morals and welfare and encourages the

efficient use of land and resources, promotes greater efficiency in providing public and utility services and encourages innovation in the planning and building of the development.

#### Section 902: Contiguity of Land and Project Ownership

902.01 All land within a proposed Planned Development shall be contiguous and shall not be divided into parts by any state or federal limited access highway or by any railroad Right-of-Way.

**The subject property consists of contiguous parcels currently zoned Planned Residential District (PRD) and consisting in total of 18.6794 acres.**

902.02 The Planned Development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subsection a single entity includes the following: a husband and wife; corporation; partnership; or two or more property owners who have entered into a general development plan for a Planned Development.

**The subject property is owned by a single entity, Bob Webb Hawk's Nest LLC.**

#### Section 903: General Requirements

903.01 The provisions of this Article shall apply to all lands zoned in the Planned Residential District. Only parcels of at least twenty-five (25) acres in size or under application for rezoning to PD-1 that collectively sum twenty-five (25) acres or more shall be considered for Planned Residential District zoning (PRD).

**A divergence is required to this section, said divergence is appropriate and consistent with the land use goals of Genoa Township to accommodate appropriate redevelopment of the property using conservation methods at a density below the density recommendation of the recently adopted Genoa Township Comprehensive Plan. Residential uses are in keeping with the character of all the surrounding land uses rather than the present use and zoning of Planned Community Facilities District, which allows for various uses that are much more intense and disruptive than single family condominiums. This divergence was granted on November 30, 2017.**

903.02 The Density of land use within a Planned Residential District shall not exceed 2.2 Dwelling Units per Net Developable Acre when Conservation Development Standards are used or 1.8 Dwelling Units per Net Developable Acre otherwise.

**The proposed development shall not exceed thirty (30) dwelling units for a gross density of 1.61 Dwelling Units per acre. The net developable density shall be 1.95 Dwelling Units per (net developable) acre.**

903.03 Reserved

903.04 Single-family detached Dwelling Units shall constitute no less than sixty-five percent (65%) of the total Dwelling Units in a Planned Residential District (PRD) if Conservation Development Standards are not used.

**Conservation Development Standards will be used and accordingly this section does not apply.**

903.05 Cluster or common wall Single-family zero lot line, attached twin singles, townhouses, or other innovative forms of residential development shall constitute no more than thirty-five percent (35%) of the total number of Dwelling Units within a Planned Residential District (PRD) if Conservation Development Standards are not used.

**Conservation Development Standards will be used and accordingly this section does not apply.**

903.06 Perimeter requirements shall call for comparable type and value of land use with neighboring Districts where feasible.

**The proposed type and value of homes within the proposed development shall be comparable to the neighboring districts.**

903.07 Storm Water Management – all site plans must have a storm water management plan, approved by the Delaware County Engineer's Office, with the improvements constructed before a zoning certificate will be issued for construction of Buildings.

**Prior to commencement of construction the storm water management plan will be submitted to and approved by the Delaware County Engineer's Office by the developer. No zoning permits shall be issued until the existing pond is filled to satisfaction of the Delaware County Engineer.**

903.08 Parking and Loading Areas

A) The overnight parking of automobiles and other vehicles on private or public streets within a Planned Development is prohibited.

**All streets within the proposed development shall be private and overnight parking shall be prohibited, unless in a designated off-street parking spot. All parking regulations will be enforced by a forced and funded Owner's Association.**

B) All automobile parking lots shall be screened from adjoining streets and adjoining residential properties in accordance with Article 20.

**Parking shall occur primarily in garages (two spaces per homes, 3 car optional) and on the driveways (two spaces per home) of each Dwelling Unit for a total of four (4) parking spaces per home. Main Streets are proposed to be 26.5 feet in width, which allows for parking on one side of the street opposite from side with fire hydrants,**

**which shall serve as additional parking to accommodate residents and guests. No parking signs shall be placed on the hydrant side of streets and the both sides of the 22' width street serving units 25 and 26**

C) No parking lot shall be closer than seventy-five (75) feet from the edge of the contiguous street Right-of-Way in a Planned Residential District.

**There are no parking lots proposed. See exhibit C-1.**

D) Parking spaces and loading areas shall be provided in accordance with Article 19.

**All parking shall be provided as stated herein item B above and as shown on the site plan, exhibit C-1. No loading areas are proposed.**

903.09 Streets – All streets including private streets shall conform to specifications as set forth in the Delaware County Subdivision Regulations. Public road improvements in Planned Developments shall require the following:

A) All street drainage shall be enclosed;

B) Curbs and gutters shall be installed; and

C) All streets shall have a minimum pavement width of twenty-two (22) feet.

**The entry to the site from Worthington Road will provide both inbound and outbound lanes. In addition, there will be an emergency access connection to Big Walnut Road, as shown on the site plan. The main private street through the site shall be twenty-six and one half (26.5) feet in width with concrete curb and gutter. The street serving units 25 and 26 shall be twenty two (22) feet wide. All street drainage shall be enclosed.**

903.10 Walkways – All residential developments shall be provided with concrete sidewalks on both sides of the street throughout the development. All other walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trails in areas the Zoning Commission feels are appropriate.

**A four (4) foot wide concrete sidewalk along both sides of the internal streets shall be provided as shown on the site plan, exhibit C-1. Additionally, five (5) foot width asphalt sidewalks will be incorporated into open spaces throughout the site, which will have 15' easements to be interconnected with a perimeter path system along both road frontages. The Worthington Road frontage will have the 10' multi use pathway constructed as part of this development, which shall be in a 15' easement for access and maintenance, while the Big Walnut frontage will provide 15' easements for future pathway access, construction and maintenance. The **pedestrian** easements shall be recorded with the county and dedicated to Genoa Township prior to any zoning permit being issued.**

### 903.11 Trees

A) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.

B) No land shall be cleared of trees more than fifteen (15) feet from the foundation of a proposed Building. An exception to this requirement shall be granted in the case of those trees that should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural environment.

C) No trees shall be cleared further than five (5) feet from curbs of a parking lot. The foregoing shall be considered as a guideline for preservation of the natural environment.

**The proposed development will comply with this section.**

903.12 Landscaping – All yards, front, side, and rear shall be landscaped and all nonresidential Use areas shall be landscaped. The developer shall submit a conceptual landscaping plan to be reviewed as part of the development plan. Each platted Lot shall be seeded or sodded in accordance with the approved development plan before a Certificate of Zoning Compliance is issued.

**All landscaping will be owned and maintained by the Owner's Association. Landscape Design criteria submitted by the applicant will be administered and enforced by the developer and the subsequent condominium owners association.**

**Improving the limited common areas and protected open spaces with amenities, landscaping, and gardens or any other improvement permitted within such spaces without permit via the Zoning Resolution, shall be solely controlled and managed by the developer and the subsequent condominium owner's association.**

**The Developer will construct an undulating earthen mound in the setback area located at the side/rear of homes within the west boundary of the site as shown on the site plan, along rear and sides of homes around the periphery of the existing home located in the center of the site, and along the existing homes on Worthington Road. These mounds will be landscaped with a combination of shade, ornamental, and evergreen trees. An evergreen buffer along shall be incorporated along the southern perimeter from the existing tree preserve westerly. See exhibits D-1 and D-2 for landscape plan. **The zoning permit for the last unit shall not be issued until the community green, entrance feature, signage, all asphalt paths, and all mounding improvements in the development are completed and both large temporary signs are removed.****

**The Condominium Association, or developer (if still in control) shall be responsible for any dead or damaged tree replacement. Trees that are dead or dying shall be replaced within the current growing season, or next season if during winter and cannot be replaced. Trees**

**that shall be replaced are those new trees indicated on landscaping plans D-1 and D-2, and includes street trees internal to the site, buffer trees added for screening around the periphery of the site, and trees located at entry features and central green.**

**Replacement trees may be different species than originally specified, but be with trees of a similar type- (ie- evergreen for evergreen), and shall be the same or greater size than originally specified.**

#### Section 904: Permitted Principal Uses

##### 904.01 Permitted Uses without Conservation Development Standards

Within a Planned Residential District, without the use of Conservation Development Standards, the following Uses are permitted subject to the area, size, Density, and other provisions set forth in this Resolution.

**Conservation Development Standards will be used and accordingly this section does not apply.**

A) Single-family detached Dwellings on Lots of ten thousand (10,000) square feet or greater.

B) Cluster Housing and Single-family zero lot line units on portions of the property. The overall Density for such portion of the property devoted to Cluster Housing and related Open Space shall not exceed the Density that would result if those portions of the property were developed for single-family detached units in accordance with Section 901. The portions of the property devoted to Cluster Housing shall not exceed six (6) units per acre, except as permitted in Section 904.01 (C).

C) Common Wall Single Family Attached Dwelling Units on portions of the property. The overall Density for such portion of the property devoted to Common Wall Single Family Attached Dwelling Units and related Open Space shall not exceed the Density that would result if those portions of the property were developed for Single-family detached units in accordance with 903. The portions of the property devoted to Common Wall Single Family Dwelling Units shall not exceed six (6) Dwelling Units per acre.

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

E) Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.

F) Forest and wildlife preserves.

G) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.

H) Family care homes and group care homes as regulated by Section 1704.

#### 904.02 Permitted Uses With Conservation Development Standards

**The proposed development will use Conservation Development Standards and shall comply with this section.**

A) Single-Family detached Dwellings.

B) Cluster Housing units.

C) Common Wall Single Family Attached Dwelling Units.

D) Single-family zero lot line, Attached twin singles, townhouses, or other innovative forms of residential development, provided all Density criteria and applicable requirements are met.

E) Nonresidential Uses of a religious, cultural, educational or recreational nature or character. Said facilities must be located with direct access to a major Thoroughfare or arterial street as to permit access without burdening residential streets.

F) Public Buildings and/or Uses which are supported in whole or part by taxes or by special public assessment. Such Uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, community centers, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.

G) Forest and wildlife preserves.

H) Projects specifically designed for watershed protection, conservation of soil or water or flood control.

I) Family Care Homes and Group Care Homes as regulated by Section 1704.

#### Section 905: Permitted Accessory Uses

905.01 Accessory Buildings as regulated by Section 1609.

905.02 Accessory Signs as regulated by Article 18.

**All signage has been presented by the applicant for consideration by the Township with the Final Development Plan.**

905.03 Accessory storage of recreational vehicles, boats, motor homes, equipment, trailers, and other vehicles other than passenger cars as regulated by Section 1906.

905.04 Private Swimming Pools together with game courts for the use of occupants and their guests as regulated by Section 1709.05.

905.05 Golf courses, as regulated by Section 1710, provided that such courses are subsidiary to the primary residential use of the property.

905.06 Private Recreational Facilities, as regulated by Section 1711, provided that such facilities are subsidiary to the primary residential use of the property.

**A community area shall be located in the large centrally located open space island. It will contain landscaping, pathways, and benches. See D-1 and D-2 for landscape plan.**

905.07 A clubhouse and/or multipurpose Building shall be allowed as an Accessory Use on those properties where a golf course is provided, as specified in Section 905.05. Such clubhouse and/or multipurpose Building may contain a restaurant catering primarily to golf club members and their guests.

905.08 Home Occupations conducted by the owner in residence of a permitted Dwelling as regulated by Section 1708.

905.09 Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to the residents of the subdivision served.

905.10 Temporary Uses specified in and regulated by Section 1702.

Section 906: Prohibited Uses

**No uses specified below as prohibited are proposed.**

906.01 All Uses not specifically authorized as a permitted or conditionally permitted Use by the express terms of this Section of the Zoning Resolution are hereby prohibited unless it is specifically determined by the Board of Zoning Appeals, in accordance with Article 3, Section 308 that the proposed Use is substantially similar to and compatible with other Uses permitted within the District.

906.02 Outdoor Storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Such 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.



906.03 Except as specifically permitted by Section 1707 and Section 1702 no Mobile Home or mobile office shall be placed or occupied in this District.

906.04 Adult Entertainment and Adult Entertainment Facilities are prohibited.

906.05 Homes for adjustment and institutions as herein defined under Residential Care Facilities are prohibited.

906.06 Except as specifically permitted by Article 22, no telecommunications tower as defined in Ohio Revised Code Section 519.211(B)(1) shall be allowed in this District.

906.07 Any commercial or business use of a parcel in this District shall be prohibited unless it complies with Section 1708, Home Occupations, of this code. This shall include but is not limited to parking of vehicles or equipment used in a business or the operation of a service type business where no work actually takes place on the site such as roofing, excavating or lawn maintenance, plumbing and other similar type operations.

#### Section 907: Residential Driveway Setback Requirements

907.01 All driveways or pavement shall have a Setback of no less than two (2) feet from the property line.

**All driveways shall comply. All driveways shall conform to section 1904.01, and provide parking for 2 automobiles, see Exhibit C-1.**

907.02 All side load garages shall have a turning pad of no less than twenty-four (24) feet.

#### **All driveways shall comply**

907.03 No driveway shall be located so it enters a public road within forty (40) feet of the intersection of the edge of the contiguous Right-of-Way of any two (2) public roads.

**All driveways shall enter the proposed private street and none will enter any public roads. Driveways may connect to the private street at any point in accordance with industry practice and sound traffic engineering principles.**

#### Section 908: Minimum Floor Area Requirements

The minimum residential Floor Area per Dwelling Unit within Genoa Township shall be in accordance with the following. The minimum square footage of Floor Area shall be exclusive of Porches, breezeways, utility areas, storage areas, unheated areas, unfinished areas, Basements and Attached Garages.

Dwelling Type

Minimum Floor Area.

One story

One thousand one hundred (1,100) s.f. of Floor Area above grade.

1½/Split level/Walkout	level/Bi-	One thousand two hundred (1200) s.f. of Floor Area with nine hundred sixty (960) square feet on the first floor above grade.
Two stories		One thousand four hundred (1400) square feet of Floor Area with
		Eight hundred (800) square feet on the first floor above grade.
Single Family Attached or Common Wall		Six hundred (600) square feet of Floor Area for a one (1) bedroom unit; seven hundred fifty (750) square feet for a two (2) bedroom unit.
Garage		Two (2) car Attached Garage.

**All Dwelling Units shall be single-family detached condominium homes with two (2) car attached garages, with optional 3 car garage. All dwellings may be built, at the buyer's option, as either one-story or one-and-a-half story, and with optional basements. Minimum square footage shall be 1,900 sf, and with optional finished basement and story and a half addition, may reach 3,100 sf. or larger**

**No structure shall exceed 35' in height per Township resolution.**

#### Section 909: Dimensional Requirements

##### 909.01 Dimensional Requirements without Conservation Development Standards

**Conservation Development Standards will be used and accordingly this section does not apply.**

A) Minimum yard requirements: front, side, and rear yards for single family detached Dwellings on Lots of ten thousand (10,000) square feet or greater shall be designed so that no residential Dwelling is closer than twenty (20) feet to any other residential Dwelling. Other permitted Uses shall have front, side, and rear yards each of which is at least forty (40) feet. No Buildings shall be located closer than fifty (50) feet to any residential District boundary line or thirty (30) feet to any private street or public Right-of-Way.

B) Floor space requirements: each residential Dwelling hereafter erected in this District shall have a minimum Floor Area per Dwelling Unit as specified in Section 908.

C) Minimum yard requirements: Front, side and rear yards for Common Wall and Cluster Housing shall be designed so that no residential Building is closer than eleven (11) feet to any other residential Building. Other permitted Uses shall have front, side, and rear yards each of which is at least forty (40) feet. No Buildings shall be located closer than twenty-five (25) feet to any private street or public Right-of-Way or fifty (50) feet to any residential District boundary line.

D) There shall be an Open Space no-build Setback of two hundred (200) feet measured from the centerline of a major Thoroughfare or arterial street to any Lot Line(s) of the house lots created within the PD-1 zone.

## 909.02 Dimensional Requirements with Conservation Development Standards

### **The proposed development will use Conservation Development Standards.**

The Zoning Commission may, as a part of the PD-1, with Conservation Development Standards, review process, require specific dimensional requirements if in their opinion such requirements are in the best interests of the health and welfare of the general Township.

A) Minimum yard requirements: Residential, none. Other permitted Uses shall have front, side, and rear yards each of which is at least fifty (50) feet. No Building shall be located closer than fifty (50) feet to any residential district boundary line. There shall be an Open Space no-build Setback of two hundred (200) feet measured from the centerline of a major Thoroughfare or arterial street to any Lot Line(s) of the house lots created within the PD-1 zone.

### **The proposed development shall comply with this section.**

B) Floor space requirements: each residential Dwelling hereafter erected in this District shall have a minimum Floor Area per Dwelling Unit as specified in Section 908.

### **The proposed development shall comply with this section as described in more detail in Section 908.**

## Section 910: Open Spaces

At least forty percent (40%) of the gross acreage within a “PD-1” Planned Development, shall be reserved as Open Space. In computing the amount of gross acreage Open Space, road Rights-of-Way of all types, paved vehicular areas including parking areas and driveways shall be excluded. It does not include the areas of individual fee simple lots conveyed to homeowners. The gross acreage open space area may be, but is not required to be, open to all residents of the Planned Development or general public.

### **Approximately 51.12% (9.55 +/- acres) of the gross acreage of the site shall be open space.**

The following items are a part of the computation of the gross acreage Open Space: Scenic easements, utility easements, existing lakes or ponds, and/or private and public active or passive Open Space, and including up to twenty-five percent (25%) of land area included within bounded stanchions but located between guy-wiring and stanchions Attached to a communications tower if said guy-wires and stanchions are located so as to leave said percent open to the sky. All land area located between guy-wiring and stanchions and included in an Open Space computation shall be landscaped so as to screen the base of the tower and all related Structures and shall not be used for active or passive recreation facilities of any kind.

## Section 911: Common Open Spaces

911.01 Common Open Space requirements if Conservation Development Standards Are Not Used:

**Conservation Development Standards and accordingly this section does not apply.**

A) A minimum of fifteen percent (15%) of the gross acreage within a residential Planned Development shall be required to be Common Open Space, and shall be accessible to all tenants or residents within the zoning property, but is not required to be open to the general public.

B) The location, shape, size and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins shall not be included in the area required for Common Open Space.

C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.

D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements that are permitted in the Common Open Space must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.

911.02 Common Open Space Requirements if Conservation Development Standards Are Used:

**The proposed development will use Conservation Development Standards.**

A) Conservation Developments requires that no less than fifty percent (50%) of the total gross area of the area being developed be set-aside as Common Open Space. Open Space land may, at the discretion of the Township Trustees, be dedicated as public parkland or public institutional use; or placed within other protected land classification systems which will assure that such land will remain in a natural state prohibiting further development, and the establishment of appropriate standards safeguarding the site's special assets as identified by the Zoning Commission.

**Approximately 51.12% (9.55 +/- acres) of the site shall be common open space.**

**Included in the common open space calculation are the sidewalks through the open space areas. All such areas are designated on the attached exhibits.**

**All open space shall be part of the forced and funded Owner's Association designated as either Common Element or Limited Common Element but shall be not be accessible to the general public.**

**Improving the limited common areas and protected open spaces with amenities, landscaping, and gardens or any other improvement permitted within such spaces without permit via the Zoning Resolution, shall be solely controlled and managed by the developer and the subsequent condominium owner's association.**

**Front and side yard improvements allowed will be limited to landscape and irrigation. Rear yard improvements that do not encroach onto required common open space shall be limited to gardens, landscape, irrigation, patios, decks, and fire pits.**

**In no case shall any encroachments requiring a zoning permit, ie: patios, decks, or porches, be allowed into the open space areas as denoted on D-3, except as previously approved on the approved development plan. Items not requiring a zoning permit may encroach into the open space, such as gardens, landscaping and irrigation, but must be approved and authorized by the condominium association.**

B) The location, shape, size and character of Common Open Space shall be suitable for the Planned Development in relation to the location, number and types of Buildings it is intended to serve. In any case, it shall be highly accessible to all residents of the Planned Development. Entry features, detention and retention basins shall not be included in the area required for Common Open Space.

**The attached Open Space Exhibit (Ex D-3) designates all areas included in the above described open space calculation.**

C) The Common Open Space shall be used for amenity or recreational purposes. Any Uses and/or Buildings authorized for the Common Open Space must be appropriate to the scale and character of the Planned Development in relation to its size, Density, expected population, topography, and the type of Dwellings.

**The proposed development shall comply with this section.**

D) The Common Open Space may be suitably improved for its intended Use, but Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements, which are permitted in the Common Open Space, must be appropriate to the Uses which are authorized for the Common Open Space and must conserve and enhance the amenities of the Common Open Space with regard to its topography and unimproved condition.

**The proposed development shall comply with this section.**

## Section 912: Off-Site Common Open Spaces

912.01 In lieu of the Common Open Spaces required in Section 911, above, the Zoning Commission or Township Trustees may accept, as part of an approved Final Development Plan, Common Open Space consisting of an off-site unified tract of land which is suitably located and

of adequate type and size to accommodate recreational facility sites, parks and other similar types of public uses.

**No Off-site Common Open Spaces are proposed.**

912.02 The proposed off-site Common Open Space shall be conveyed to a public authority that will agree to maintain the off-site Common Open Space and any Buildings, Structures or improvements that have been placed on it. All land conveyed to a public authority must meet the requirements of the appropriate public authority as to size, shape, location, character and the method, conditions, and timing of the transfer. Public utility or other similar easements and Right-of-Way for watercourses or other similar channels are not acceptable for off-site Common Open Space dedication unless such land or Right-of-Way is usable as a trail or other similar purpose and approved by the public authority to which land is to be transferred.

912.03 The off-site Common Open Space shall be used for recreational purposes, Open Space, park, school site, or other similar type of public use. Any Uses and/or Buildings authorized for the off-site Common Open Space must be appropriate in relation to the location, size, shape and topography of the tract.

912.04 The off-site Common Open Space may be suitably improved for its intended Use, but off-site Common Open Space containing natural features worthy of preservation such as slopes over twelve percent (12%) and wooded areas may be left unimproved. The Buildings, Structures, and improvements that are permitted in the off-site Common Open Space must be appropriate to the Uses which are authorized for the off-site Common Open Space and must conserve and enhance the amenities of the off-site Common Open Space with regard to its topography and unimproved condition.

912.05 The minimum size of the proposed off-site Common Open Space shall be the greater of fifteen percent (15%) of the gross acreage of the Planned Development or five (5) acres.

912.06 Off-site Common Open Space shall only be considered upon request of the applicant and upon a determination that Common Open Space within the development is insufficient, inappropriate and impractical for the proposed Uses and purposes and that the off-site Common Open Space is reasonably accessible to all residents and users of the Planned Development. In all cases, the benefits of a proposed off-site Common Open Space shall outweigh the benefits of providing Common Open Space within the Planned Development.

Factors used in evaluating the adequacy and appropriateness of the proposed off-site Common Open Space include:

- A) The location, size, shape and topography of the tract;
- B) The intended Use of the tract and the existing and proposed amenities, improvements and facilities;
- C) The access to and location of the tract in relation to the Planned Development;

D) The method and degree of integration of the tract with the Planned Development;

E) The character of the Zoning District in which the tract is located, the Uses permissible within the District, and the compatibility of the proposed Uses with adjoining development and Uses; and

F) The availability and adequacy of essential public facilities and services.

#### Section 913: Ownership of Common Open Space

Different ownership and management options apply to the permanently protected Common Open Space created through the development process. The Common Open Space shall remain undivided and may be owned and managed by a Homeowner's Association, the township, or a recognized land trust or conservation District (conservancy). A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

**All open space shall be owned by the Owner's Association and its use shall be restricted by the approved zoning and the Owner's Association documents.**

Ownership Standards. Common Open Space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the township.

913.01 Offer of Dedication. The Township shall have the first offer of dedication of undivided Common Open Space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided Common Open Space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of Common Open Space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

913.02 Homeowner's Association. The undivided Common Open Space and associated facilities may be held in common ownership by a Homeowner's Association. The association shall be formed and operated under the following provisions:

A) The developer shall provide a description of the association, including its bylaws and methods for maintaining the Common Open Space.

B) The association shall be organized by the developer and shall be operated by the developer, before the sale of any Lots within the development.

C) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

D) The association shall be responsible for maintenance of insurance and taxes on the undivided Common Open Space, enforceable by liens placed by the Township on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

E) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided Common Open Space. Shares shall be defined within the association bylaws.

F) In the event of transfer, within the methods here permitted, of undivided Common Open Space land by the Homeowner's Association, or the assumption of maintenance of undivided Common Open Space land by the Township, notice of such pending action shall be given to all property owners within the development.

G) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided Common Open Space.

H) The Homeowner's Association may lease Common Open Space lands to any other qualified person, or corporation, for operation and maintenance of Common Open Space lands, but such a lease agreement shall provide:

- 1) That the residents of the development shall at all times have access to the Common Open Space lands contained therein (except croplands during the growing season);

- 2) That the undivided Common Open Space shall be maintained for purposes set forth in this Section; and

- 3) That the operation of Common Open Space facilities may be for the benefit of the residents only, or may be open to all residents of the township, at the election of the developer and/or Homeowner's Association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of Common Open Space within the township, all residents of the township shall have access to such identified paths/walkways.

I) The lease shall be subject to the approval of the Homeowner's Association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Delaware County Recorder's office and notification shall be provided to the Township Trustees within 30 days of action by the Board.



913.03 Condominiums. The undivided Common Open Space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided Common Open Space land shall be held as a common element.

**All parts of this section shall be complied with by the Owner's Association which will be created by the developer as soon as allowed by law.**

913.04 Dedication of Easements. The Township may, but shall not be required to, accept easements for public use of any portion or portions of undivided Common Open Space land, title of which is to remain in ownership by condominium or Homeowner's Association, provided:

- A) Such land is accessible to township residents;
- B) There is no cost of acquisition other than incidental transfer of ownership costs; and
- C) A satisfactory maintenance agreement is reached between the developer, association and the Township.

913.05 Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- A) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
- B) The conveyance contains appropriate provisions for the proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and
- C) A maintenance agreement acceptable to the Township Trustees is entered into by the developer and the organization.

**No easements shall be transferred to a Private Conservation Organization.**

#### Section 914: Maintenance of Open Space

914.01 The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

914.02 In the event that the organization established to own and maintain Common Open Space shall at any time after establishment of the Planned Development fail to maintain the Common Open Space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the

Planned Development setting forth the manner in which the organization has failed to maintain the Common Open Space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured.

If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township Trustees, in order to preserve the taxable values of the properties within the Planned Development and to prevent the Common Open Space from becoming a public Nuisance, may enter upon said Common Open Space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the Common Open Space. Before the expiration of said year, the Township Trustees shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the Common Open Space, call a public hearing upon notice to such organization, or to the residents of the Planned Development, to be held by the Township Trustees, at which hearing such organization or the residents of the Planned Development shall show cause why such maintenance by the Township Trustees shall not, at the election of the Township Trustees, continue for a succeeding year. If the Township Trustees shall determine such organization is ready and able to maintain said Common Open Space in reasonable condition, the Township Trustees shall cease to maintain said Common Open Space at the end of said year. If the Township Trustees shall determine such organization is not ready and able to maintain said Common Open Space in a reasonable condition, the Township Trustees may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the Township Trustees in any such case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintenance by the Township Trustees shall be assessed against the properties within the Planned Development that have a right of enjoyment of the Common Open Space, and shall become a tax lien on said properties. The Township Trustees, at the time of entering upon said Common Open Space for the purpose of maintenance, shall file a notice of such lien in the office of the Delaware County Recorder, upon the properties affected by such lien within the Planned Development.

**All parts of this section shall be complied with by the Owner's Association which will be created by the developer.**

#### Section 915: Planning Process Overview

The following sequence of actions herein prescribed should be followed when applying for a change in zoning to the PD-1 classification. These steps should be followed sequentially and may be combined only at the discretion of the Zoning Commission.

915.01 Pre-application Discussion. A pre-application discussion is suggested between the applicant, and the Zoning Commission. The purpose of this informal meeting is to introduce the

applicant and his/her representatives to the Township's Conservation Concept, and to discuss the applicant's objectives in relation to the Township's official policies and other related requirements.

**The PRD has been approved by the Zoning Commission and Township Trustees**

915.02 Existing Features Plan (Site Analysis). Plans analyzing each site's special features are required for all proposed developments, as they form the basis of the design process for greenway lands, Building location, street alignments, and Lot Lines. Plans shall contain, at a minimum, the basic information contained within the Delaware County Regional Planning Commission's Geographic Information System (GIS) including:

- A) A topographic map based upon the most recent U.S. Geological Survey;
- B) The location of severely constraining elements such as steep slopes (over 20%), wetlands, watercourses, intermittent streams and 100-year floodplain, and all Rights-of-Way and easements;
- C) Soil boundaries as shown on the USDA Natural Resource Conservation Service maps; and
- D) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing Fences or stone walls, rock outcrops, and existing Structures, roads, tracks and trails, and sites or Buildings of historic importance.

Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways.

These data and the accompanying analysis shall comprise the initial base for negotiating, with the Zoning Commission, the framework for the conceptual Preliminary Plan.

**An Existing Conditions Plan showing the required elements is attached. See Exhibit B-2**

915.03 Sewage Disposal. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from the local Board of Health, the Ohio EPA, or a licensed sanitary or civil engineer.

**A letter from the Delaware County Sanitary Engineer regarding the availability of public sanitary sewer is attached.-See Exhibit E-2.**

915.04 On Site Walkabout. The applicant and the Zoning Commission shall walk the site, at which time the Primary and Secondary Conservation Areas to be saved shall be identified. At the completion of the site walk or shortly thereafter a very conceptual development plan should be quickly sketched on the site analysis map by the applicant or his consultant for impromptu comments from the Zoning Commission. No binding decisions or votes are made at the onsite walkabout. Based upon such comments, a formal development plan can be prepared for public

hearing. The On-Site Walkabout is a public meeting pursuant to Ohio Sunshine Law and must be properly noticed.

**An On Site Walkabout occurred on this property by various Township and County administration, elected and appointed officials.**

915.05 Conceptual Preliminary Plan. The Conceptual Preliminary Plan refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a layout for greenway lands, house sites, and street alignments. This stage is undertaken before heavy engineering cost is incurred or commitments made to a final concept.

915.06 The Conceptual Preliminary Plan should be submitted by the applicant to the Zoning Commission for review for the purpose of securing early agreement on an overall pattern of streets, house lots and conservation lands prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the accurate delineation of site details.

**A site plan is attached. See Exhibit C-1**

915.07 Design Process. Each sketch Plan or Conceptual Preliminary Plan should follow a design process described below:

A) Designating Open Space. During the first step, all potential conservation areas shall be identified, using the Existing Features Plan (Site Analysis). Conservation areas shall consist of wetlands, floodplain, slopes over twenty percent (20%), and soils susceptible to slumping. The remainder of the open space conservation areas shall include the most sensitive and noteworthy natural, scenic, and cultural resources on the remaining property. Guidance concerning Township values relating to desired Open Space shall be provided by the Zoning Commission. Mandatory setbacks from major roads may be counted, in whole or part, as Open Space.

**Gross Acreage Open Space and Common Open Space are each designated on the attached Open Space Exhibit, Exhibit D-3.**

B) Location of House Sites. During the second step, potential house sites are tentatively located. Structure location represents a significant decision impacting the site therefore applicants shall identify general location of house sites on the Conceptual Plan and proposed house sites on the detailed Final Plan. House sites shall not be located closer than thirty (30) feet of Conservation Areas. Actual Building footprints of proposed residences may be changed with approval of a majority vote of the Zoning Commission.

**Home locations are indicated on the attached Site Plan. Exhibit C-1**

C) Street and Lot Layout. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economic way. When streets and Lots are laid out, they shall be located in a way that avoids or minimizes adverse impacts on the Conservation Areas. Wetland crossings and streets traversing existing slopes over

fifteen percent (15%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of cul-de-sacs to be maintained by the Township and to facilitate ease of access to adjacent properties. Cul-de-sacs serving more than six homes shall generally be designed with a central island containing plantings to be maintained by a Homeowner's Association. The use of eyebrows for the purpose of increasing the number of Lots shall not be permitted. Dedicated streets shall not be considered as land counted as Conservation Area. Fifty percent (50%) of the land area within private street Rights-of-Way may be considered as a portion of the required Conservation Area.

**Private streets and building locations (no lot layout is included as this will be a condominium development without platted lots) are shown on the attached site plan and Open Space Exhibit, exhibit C-1 and D-3.**

D) Lot Lines. The fourth step is simply to draw the Lot Lines (where applicable). These generally are drawn midway between house locations and may include flag-lots or other more innovative design creations.

**No lot lines are shown as this will be a condominium development without platted lots. However, building locations and envelopes are shown on the attached site plan and Open Space Exhibit, exhibit C-1 and D-3**

#### Section 916: Application Procedure

In addition to any other procedures set out in this resolution, all applications for amendments to the Zoning Map to rezone lands to this District shall follow the procedures hereinafter set forth:

916.01 Application - The owner or owners of Lots and lands within the township may request that the Zoning Map be amended to include such tracts in the Planned Development District in accordance with the provisions of this resolution. Ten (10) copies of the application for the proposed amendment shall be submitted to the Zoning Inspector and shall contain at a minimum the following information:

- A) Name, address, and telephone number of applicant;
- B) Date;
- C) Legal description of the property;
- D) Present Use;
- E) Present Zoning District;
- F) Proposed Use;
- G) Proposed zoning District;

H) Existing Features Plan (Site Analysis). Plans analyzing each sites special features are required for all proposed developments, as they form the basis of the design process for greenway lands, Building location, street alignments, and Lot Lines. Plans shall contain, at a minimum, the basic information contained within the Delaware County Regional Planning Commission's Geographic Information System (GIS) including:

- 1) A contour map based upon the most recent U.S. Geological Survey;
- 2) The location of severely constraining elements such as steep slopes (over 25%), wetlands, watercourses, intermittent streams and 100-year floodplain, and all Rights-of-Way and easements;
- 3) Soil boundaries as shown on the USDA Natural Resource Conservation Service maps;
- 4) The location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or from the site, watershed divides and drainage ways, existing Fences or stone walls, rock outcrops, and existing Structures, roads, tracks and trails, and sites or Buildings of historic importance; and
- 5) An aerial photograph of the site and surrounding area.

Similar data shall be made available regarding adjacent properties and existing developments in order to provide continuity of plans including streets, paths and walkways.

I) A development plan for the site;

**See attached site plan and accompanying documents included with this application, exhibit C-1**

J) A landscape plan, including an inventory of existing trees;

**See attached landscape plans and tree inventory plan. See Exhibits D-1, D-2, D-4, D-4.1 and D-5**

K) A plan for any exterior lighting and/or signage;

**See attached signage plan showing signage consistent with similar developments. See attached lighting plans. See D-2 for signage concept and F-1 for lighting. Light fixtures shall be cut off style/dark sky compliant and will not exceed 10' in height.**

L) A Vicinity Map at a scale approved by the Zoning Commission showing property lines, streets, Structures within five hundred (500) feet of the property's boundary, existing and proposed zoning, and such other items as the Zoning Commission may require;

**A vicinity map is included with this application. See exhibit B-2.**

M) A site review conducted by Delaware County Regional Planning and their comments;

N) A traffic study, unless waived by the Zoning Commission;

**Traffic information is included with this application, Exhibit G-1.**

O) A list of all property owners, as appearing on the county auditor's current tax list within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case. For each of the property owners the applicant shall provide two sets of pre-addressed, stamped letter-size envelopes with postage sufficient to send a notice via first class mail; and

**Provided with application. Exhibit A-1**

P) A fee as established by the Township Trustees.

**Provided with application.**

916.02 Development Plan - Ten (10) copies of the development plan shall be submitted with the application which plan shall include in the text and map form:

A) The proposed size and location of the Planned Residential District (PD-1);

**The Site is 18.6794 acres in size, and is generally located at the South of Big Walnut Road and west of Worthington Road.**

B) The general development character of the tract including the limitations or controls to be placed on residential and related Uses, with probable Lot sizes, minimum setback requirements and other development features including Landscaping;

**Only single family detached condominium homes and ancillary uses shall be allowed in this development. Minimum building setbacks from existing Big Walnut and Worthington Road shall be 200 feet from roadway centerline, and 50' from adjacent residential properties. Minimum building setbacks interior to the site shall be 15'. All homes shall be landscaped, and landscape entry features will be located at Worthington Road. Interior street trees shall be provided, and a landscape buffers shall be included along the west boundary line, along existing homes along Big Walnut and Worthington Roads, and along the south boundary west of the existing tree preserve.**

C) Architectural design criteria for all Structures and criteria for proposed Signs with proposed control procedures;

- The exterior of the buildings shall include the following:
  - **Cementitious Fiber Cement board** Siding and Trim
  - Cultured/precast stone
  - Single hung, Low-E vinyl windows, Lifetime Warranty
  - 30 Year, Dimensional Shingle
  - Insulated garage doors **with windows**
  - Dormers (active and inactive)
  - Thin Brick accents
  - Other materials used as minor accents
- Exterior Colors
  - Trim Colors
    - Natural earth tones and/or warm neutral colors, including white.
    - Complementary or contrasting to siding color.
    - High-chroma colors are not permitted.
  - Thin Brick Colors
    - Reds and Browns, **may be painted white**
  - Roofing Colors
    - Shingle colors shall be from the color range of natural materials; such as, but not limited to wood shakes, slate, etc.

Elevations of the proposed Dwelling Units are attached. Three base floor plans will be offered, each featuring different options and selections. See exhibit H-1.

Architectural Design criteria submitted by the applicant will be administered and enforced by the developer and the subsequent condominium owners association.

**Zoning permits will be obtained to construct the entrance features and permanent and large temporary signage prior to construction. Permits for the large temporary signs will be renewed annually if they are to stand for a period longer than 90 consecutive days.**

**Unless otherwise specified within the approved development plans, all buildings, structures, improvements, and uses will comply with any and all applicable zoning standards identified in the Genoa Township Zoning Resolution.**

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

Evidence of availability of public water and sanitary sewer service is attached in the form of letters from each of Del-Co Water Company and the Delaware County Sanitary Engineer. The proposed storm water detention facilities are shown on the site plan. See exhibits E-1 and E-2.



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

**All streets shall be private. See Exhibit C-1.**

F) A traffic study examining the impact of the development on the existing infrastructure, modifications required to handle the increased traffic and the mechanism proposed to complete the necessary improvements;

**Traffic information has been provided. See exhibit G-1.**

G) The relationship of the proposed development to existing and probable Uses of surrounding areas during the development timetable;

**The proposed development is surrounded by single family uses on all boundaries that are not public roadways**

H) Location of schools, parks, and other facility sites, if any;

I) The proposed time schedule for development of the site including streets, Buildings, utilities, and other facilities;

**Commencement of construction shall occur promptly upon Township and County approvals. The development will occur in 1 phase.**

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

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

**The applicant owns the property and the engineering is feasible. The applicant possesses sufficient capacity to carry forth its plan. See exhibit E-1 for engineering feasibility.**

L) Specific statements of Divergence shall be requested “per plan”; if any deviation from the development standards in this Resolution or existing county regulations or standards are desired, an applicant making such a request shall specifically and separately list each requested Divergence and submit written development text justifying each deviation from any requirements of this Resolution and demonstrating how each Divergence will advance public interests and the General Purposes of this Zoning Resolution, by promoting one or more of the following purposes:

- 1) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land;
- 2) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township;
- 3) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property;
- 4) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other;
- 5) The orderly development of all lands within the Township to its appropriate use; and
- 6) The most appropriate use of land to facilitate and provide adequate public and private improvements. Unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with.

**The following divergences are requested:**

**Section 903.01 which section requires a minimum of 25 acres for zoning to the PRD – Planned Residential District, where this property consists of 18.6794 acres. This divergence is warranted here, where the applicant is proposing an exceptionally low-impact style of development, with an expectation of attracting an empty-nester segment of the population, where the proposed density is below what is recommended on the recently adopted Comprehensive Plan, where considerable open space is being preserved, and where perimeter trails are being provided as an amenity to other Township residents consistent with the long-term planning goals and development principles of Genoa Township. Residential uses are in keeping with the character of all the surrounding land uses rather than the present use and zoning of Planned Community Facilities District, which allows for various uses that are much more intense and disruptive than single family condominiums. This divergence was granted on November 30, 2017.**

**Section 1803.01 Q.3. a. -Temporary Signs. Maximum Signs Permitted. The developer requests that 2 temporary marketing signs be permitted on this property. One along Big Walnut Road west of the proposed emergency access, and one along Worthington Road adjacent the main entry. The additional sign is warranted as the property has significant frontage on Big Walnut, but no access, and limited frontage on Worthington Road, but is the main access. This will allow the project to be marketed from both roadway frontages and lead to less confusion for potential buyers locating the site during the sales and construction period.**

1) The conservation and protection of the natural resources, scenic areas, wildlife habitat and the historical and unique natural features of the land; **The proposed site plan maintains the large tree lots located on site to minimize disturbance to those areas. The development proposes removing existing structures located near the roadways and in turn replacing those areas with open space. The additional temporary signage will not impede on any natural resources**

2) The health, safety, morals, and general welfare of the present and future inhabitants of Genoa Township; **The plan is in compliance with the township code and comprehensive plan, other than the 25-acre requirement, and as this land is surrounded by existing development, the boundaries are set. The temporary signage will not affect the health, safety, morals or general welfare of existing residents, and as it is temporary will not affect future residents**

3) The quality of life within Genoa Township through the protection of the total environment, the prevention of nuisances and hazards, and the provision of adequate light, air, and convenient access to property; **The plan incorporates preservation of treed areas, increased open space along roadways, eliminating a nuisance pond, mitigation of traffic impact through turn lane addition, the correct procedures for storm water quality and quantity will be observed. The temporary signage shall not affect the quality of life, but shall make it easier to locate the property for buyers and prevent more confusion in locating the site during the marketing process of the project.**

4) The assurance of the compatibility of land uses which are either adjacent or in proximity to each other; **The proposed development is compatible with surrounding residential development, and home values are similar. The association will maintain the property as one entity, so that there will not be 30 different maintenance styles that could come from a comparable single family fee simple development.**

5) The orderly development of all lands within the Township to its appropriate use; and. **This use is an approved use per the comprehensive plan at this density.**

6) The most appropriate use of land to facilitate and provide adequate public and private improvements. Unless a deviation from development standards is specifically approved as a Divergence, the same shall be complied with. **This land is an approved use per the comprehensive plan at this density.**

916.03 Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, or designated technical advisors for administrative review to insure substantial compliance with the development plan as approved.

#### Section 917: Action by Zoning Commission

The Zoning Commission shall hold a public hearing on the Proposed Amendment as provided by Article 26 of this Resolution. Such public hearing shall consider all aspects of the Proposed Amendment including the Final Development Plan as well as any proposed stages and/or units of development. The Zoning Commission shall within thirty (30) days after the final public hearing on such plan recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the Regional Planning Commission thereon to the Board of Township Trustees.