

Bath Township Zoning Resolution

Article 6 Text

Article 32 Text

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Zoning Map Amendments

Case #107

December 12, 2019

BATH TOWNSHIP ZONING RESOLUTION

PROPOSED TEXT AMENDMENT

December 12, 2019

I. Article 6: Districts Established

Article 6.0 shall be amended by adding the following zoning district:

PCOD: Planned State Route 309 Corridor Overlay District

ARTICLE 32

PCOD - PLANNED STATE ROUTE 309 CORRIDOR OVERLAY DISTRICT

Article 32 shall be added to read as follows:

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

- Permanently preserves unique or sensitive natural resources and integrates open space within developments.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
- Provides an opportunity for a mix of open space, retail, offices, hotels and other commercial uses not otherwise permitted within the standard zoning district classifications.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- Assures compatibility between proposed land uses within and around the PCOD through appropriate development controls.
- Enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable plans for the area and are compatible with adjacent and nearby land uses.

32.1 Overlay Area Established: The PCOD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones to the PCOD the area shown on the PCOD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official Zoning District Map for the PCOD as part of this amendment. The existing zoning regulations and districts for such area shall continue to apply to all property within the PCOD unless the Bath Township Board of Trustees approves an application of an owner of property to subject the owner’s property to the provisions of the PCOD. Such an application shall be made in accordance with the provisions of **Article 32.4** of the Bath Township Zoning Code and shall include a Development Plan in compliance with the provisions of **Article 32.4**. Upon receiving such an application and development plan, if the Bath Township Board of Trustees determines that the application and Development Plan comply with the provisions of **Article 32** and approves the application, the Bath Township Board of Trustees shall cause the zoning map to be changed so that the underlying zoning district no longer applies to such property, with the property being thenceforth located in the PCOD and subject to the regulations there under. The approval of the application and Development Plan and the removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment to the Bath Township Zoning Code.

32.2 Permitted Uses: System (NAICS) code numbers, may be permitted when approved by the Development Plan process and built and/or developed in strict compliance with the approved Development Plan and standards, provided that each such use is listed as a permitted use in this **Article 32.2** and is specifically set forth in the Development Plan.

The precise use or type of use of the tract shall be specified in the plan as submitted and approved and shall be subject to the requirements set forth in **Article 32** herein, as applicable.

2017 NAICS CODE #	Use
311811	Retail Bakeries
4413	Automotive Parts, Accessories, and Tire Stores
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
445	Food and Beverage Stores (excluding beer, wine, liquor stores (4453))
446	Health and Personal Care Stores
447	The improvement, modification or expansion of existing gas stations (except no new gas station or truck stops)
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book, and Music Stores
452	General Merchandise Stores

453	Miscellaneous Store Retailers (except Adults Only Entertainment Establishments and 45393 Manufactured Home Dealers)
512131	Motion Picture Theaters (except Adults Only Entertainment Establishments)
514	Information and Data Processing Services
52	Finance and Insurance
5312	Offices of Real Estate Agents and Brokers
53211	Passenger Car Rental and Leasing
5322	Consumer Goods Rental
54	Professional, Scientific and Technical Services
55	Management of Companies and Enterprises
561	Administrative and Support Services
61	Educational Services
621	Ambulatory Health Care Services
6221	General Medical and Surgical Hospitals
71111	Theater Companies and Dinner Theaters
71112	Dance Companies
71211	Museums
71394	Fitness and Recreational Centers
71395	Bowling Centers
72111	Hotels (except casino) and Motels (Hotels and Motels shall only contain individual guest rooms that are held out to the public to be a place where sleeping accommodations are offered for pay to guests for an amount no less than the minimum daily rental rate as established by each hotel or motel. Each room shall not be rented out more than twice in any consecutive twenty-four (24) hour period.
722	Food Services and Drinking Places (except 7222300 mobile food services and 772410 drinking places, alcoholic beverages and those establishments offering or featuring entertainment included in Adults Only Entertainment Establishments as defined in Article 9).
812	Personal and Laundry Services
813	Religious, Grantmaking, Civil, Professional and Similar Organizations
92	Public Administration

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

- 32.3.1 Uses not specifically approved by the Board of Trustees as part of the Development Plan.
- 32.3.2 Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to legal sales or repair activities if such activities are carried out in compliance with the approved Development Plan.
- 32.3.3 Except as provided in the Development Plan, no trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the property the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Development Plan.
- 32.3.4 No manufactured home, mobile home, motor home or camper shall be occupied in this district for residential purposes.
- 32.3.5 Sales of automobiles, trucks, vehicles or trailers of any type.
- 32.3.6 Adults Only Entertainment Establishments as defined in **Article 9** of this Resolution.
- 32.3.7 Self-service storage facilities, pawn shops, check cashing or short-term loan establishments as a primary use, tattoo parlors, and skill game establishments.
- 32.3.8 No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk (collectively "Trash") shall be permitted to accumulate on any lot or portion thereof. All Trash arising or occurring as a consequence of construction activities on a site shall be appropriately contained or located on site and routinely disposed of in order that long term unsightly conditions as a consequence of accumulation of same do not occur. All Trash arising or occurring on developed parcels from the owner or user thereof shall be contained in solid sided containers and no wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.
- 32.3.9 No truck stops or related accessory businesses of any type.
- 32.3.10 Medical marijuana dispensaries.

32.4 Review Process and Procedure: All applications to submit property to the PCOD regulations shall follow the procedures hereinafter set forth:

32.4.1 Preapplication Meeting. The applicant is encouraged to engage in informal consultations with staff from the Township and the Lima-Allen County Regional Planning Commission prior to formal submission of an application for approval of a Development Plan. No statement or action by Township or County officials in the course of these informal consultations shall be construed to be a waiver of any legal obligation of the applicant or of any procedure or formal approval required by Township or County statutes or rules.

32.4.2 Application and Development Plan. The applicant shall prepare and submit a formal application and Development Plan, with ten (10) hard copies, along with an electronic copy and any and all applicable fees to the Bath Township Board of Trustees. The application shall be signed by the Applicant and all owners of the property. The Bath Township Board of Trustees may request that any County agency and/or any committee of the Lima-Allen County Regional Planning Commission submit comments for consideration at the meeting.

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

32.4.2.1 A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.

32.4.2.2 A grading plan drawn to scale, showing all information pertaining to surface drainage.

32.4.2.3 A Landscape Plan which depicts and identifies all proposed landscaping features. The Landscape Plan shall identify the caliber, height, and numbers of each plant, shrub or tree, its name, its size at planting and rendering(s) of how that section of the development would look in elevation.

32.4.2.4 A detailed Signage and Exterior Lighting Plan.

32.4.2.5 An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the required open space. The location, size and proposed use(s) of all open space areas shall be detailed.

32.4.3 Development Plan Contents. The Development Plan shall be drawn to a scale of at least one-inch equals 100 feet and shall include in text and map form the following:

- 32.4.3.1 Proposed name of the development and its location.
- 32.4.3.2 Names and addresses of applicant, owners and developers.
- 32.4.3.3 Date, north arrow and Plan scale. Scale shall be one-inch equals 100 feet or larger scale.
- 32.4.3.4 A list, description and location of the precise uses proposed for the development and phases for construction, if any. Listed uses shall be defined by their customary name or identification as stated in **Article 32.2**. Any listed use may be limited to specific areas delineated in the Development Plan. If the proposed timetable for development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- 32.4.3.5 Boundary lines of the proposed development and the total acreage encompassed therein.
- 32.4.3.6 Locations, widths and names of all existing public streets or other public ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and section and corporation lines within or adjacent to the tract.
- 32.4.3.7 Existing sewers, water mains, culverts and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades and locations.
- 32.4.3.8 The adjoining lines of adjacent tracts, parcels or lots.
- 32.4.3.9 Existing zoning restrictions and deed restrictions, if any.
- 32.4.3.10 Existing ground configuration, drainage channels, wooded areas, watercourses and other significant physical features.
- 32.4.3.11 Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts and other major improvements.
- 32.4.3.12 Layout, numbering and dimensions of lots if more than one.
- 32.4.3.13 Layout, location, dimensions and architectural features of proposed structures.

- 32.4.3.14 Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant, and for the dedications.
- 32.4.3.15 Building setback lines with dimensions.
- 32.4.3.16 Proposed street grades and sewer size slope.
- 32.4.3.17 Detailed Off-Street Parking and Loading Plan showing layout, location and design of parking and loading areas, number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks and lane improvements on existing public roads.
- 32.4.3.18 Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Board of Trustees.
- 32.4.3.19 Preliminary drawings for buildings to be constructed, including floor plans, exterior elevations and sections.
- 32.4.3.20 Color rendering of buildings(s), complete with a listing of all colors, including Pantone 1999-2000 Reference Numbers or if Pantone is not available, the manufacturer's reference/serial number with samples and materials to be used.
- 32.4.3.21 Building locations depicting the bulk, height and spatial relationships of building masses with adjacent development.
- 32.4.3.22 Intended measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.
- 32.4.3.23 Accommodations and access for emergency and fire-fighting apparatus.
- 32.4.3.24 Location, type, dimensions and features of all signage and exterior lighting.
- 32.4.3.25 The management plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers and shared parking areas by the ultimate owner and/or user.
- 32.4.3.26 The applicant may request a divergence from the development standards set forth in **Articles 32.5 and 32.6**. An applicant making such a request shall specifically and separately list each requested divergence and the justification

therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan. Unless specifically supplemented by the standards contained in the Development Plan, the development shall comply with the requirements contained in **Articles 32.5 and 32.6** and the General Development Standards applicable to all zoning districts, as set forth in the Bath Township Zoning Code.

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

32.4.3.28 Other information, as may be required by the Bath Township Board of Trustees, in order to determine compliance with this Zoning Code.

32.4.3.29 The Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

32.4.4 Board of Trustees Action. After receipt of the completed application materials and required fees, the Board of Trustees shall schedule a public hearing within forty-five (45) days after the filing of the complete application and shall give the applicant along with any adjoining property owner(s) written notice of the hearing at least ten (10) days before the date of the hearing. Notice shall be sent by regular mail. The Board of Trustees shall render a decision on the Application and Development Plan within thirty (30) days after the conclusion of the hearing.

32.4.5 Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:

32.4.5.1 If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code and whether any divergence is warranted by the design and amenities incorporated in the Development Plan.

32.4.5.2 If the proposed plan meets all of the design features required in this Code.

32.4.5.3 If the proposed development is in keeping with the existing land use character and physical development potential of the area.

32.4.5.4 If the proposed development will be compatible in use and appearance with surrounding land uses.

- 32.4.5.5 If the proposed development will be adequately served by essential public facilities and services including, without limitation, roads, walkways and bike paths, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- 32.4.5.6 If the proposed development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development.
- 32.4.5.7 If the proposed development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PCOD without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township.
- 32.4.5.8 If the proposed development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township.
- 32.4.5.9 Such other considerations which may be deemed relevant by the Board of Trustees.

In approving the Application and Development Plan, the Board of Trustees may impose such conditions, safeguards and restrictions deemed necessary in order to carry out the purpose and intent of the PCOD.

- 32.4.6 Development Plan Approval Period. The approval of the Development Plan shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of certificate of zoning compliance. If no plat has been recorded within this approval period (or, if platting is not required, if construction has not commenced) and unless the Board of Trustees approves an extension of this time limit, the Development Plan shall expire. Upon the expiration of the Development Plan, no use shall be established or changed and no building, structure or improvement shall be constructed until an application accompanied by a new Development Plan has been filed with and approved by the Township using the same procedures and criteria as established for the approval of the initial Development Plan.

32.4.7 Plat Required. No zoning certificate shall be issued for any structure in any portion of a PCOD for which a plat is required by the Lima-Allen County Regional Planning Commission unless the final subdivision plat for that portion has been approved by the applicable platting authorities and recorded with the Allen County Recorder.

32.4.8 Extension of Time/Modification of Development Plan.

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

32.4.8.2 A request for minor changes, as determined by the Board of Trustees, to the Development Plan may be approved by the Board of Trustees without being subject to the same procedures as the original application. Any approval may be with such amendments, conditions or modifications as the Board of Trustees may determine.

32.4.8.3 In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, as determined by the Board of Trustees, said modification or amendment shall be subject to the same procedure and conditions of Development Plan approval as the original application. The following shall be considered substantial departures from the original application:

- (a) A change in the use or character of the development.
- (b) An increase in overall lot coverage of structures and off-street parking.
- (c) An increase in the problems of traffic circulation or public utilities.
- (d) A reduction in approved open space.

- (e) A reduction in off street parking and loading space.
- (f) A reduction in specified pavement widths.
- (g) A reduction of the acreage in the planned development.
- (h) Any other departure from the approved Development Plan which is deemed substantial by the Board of Trustees.

Any approval of such request may be with such amendments, conditions, or modifications as the Board of Trustees may determine.

32.4.9 Fees. A fee as established by the Board of Trustees shall accompany an application requesting approval of the Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Bath Township in using professional consulting services to review the Development Plan. These expenses may include, without limitation, costs for professional consultants such as attorneys, architects, landscape architects, planners and engineers utilized by the Township in connection with reviewing the Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Development Plan, the Board of Trustees shall decide if it needs a professional consultant(s) to assist it in reviewing the application. If the Board of Trustees decides it needs professional consulting services, it shall designate the person(s) to be consulted and make an initial estimate of the expenses anticipated to be incurred in reviewing the application materials. The Board of Trustees shall provide the applicant with notice of its initial estimate of such expenses. This initial estimate will be reviewed, and may be revised, from time to time during the review process, and, if such review results in an increase in the estimated professional consulting fees and charges which will be incurred in the Township's review of the application materials, the Board of Trustees shall send the applicant written notice of the revised estimate of fees and charges. Within fourteen (14) days of the date of the notice of the initial estimate of fees and charges (and, if applicable, within fourteen (14) days of the date of the notice of any revised estimate), the applicant shall deposit in the office of the Township Fiscal Officer or the Fiscal Officer's designee, an amount equal to the estimated cost of the Township's expenses. In making the estimate of the professional consulting fees and charges anticipated to be incurred, the Board of Trustees shall consider the reasonable commercial rates of qualified professionals.

32.5 Design Standards: The proposed development shall be designed in accordance with accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the set back of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Development Plan shall comply with the following design standards:

- 32.5.1 Access. The PCOD development shall have direct access to one or more dedicated and improved public roads of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, the County Engineer and/or Lima-Allen County Regional Planning Commission shall be provided. Unless otherwise provided by an approved development plan, vehicular connectivity shall be provided between adjacent commercial uses through the use of cross-access easements between parking lots.
- 32.5.2 Setbacks and Yard Areas. The location and arrangements of buildings and structures within the PCOD shall be configured in a manner to appropriately balance open spaces and commercial areas and to provide safe separation between buildings and uses and to ensure convenient access within the area. The development should be accomplished as a commercial park with campus like settings that have large lots with ample amounts of landscaping and vegetation to create an attractive economic center for the Township and the surrounding area.
- 32.5.3 Perimeter Area. Due to varying lot sizes in the PCOD, when located contiguous to a residential district, the Board of Trustees shall determine the appropriate setbacks for buildings and parking along a contiguous property line.
- 32.5.4 Buildings. The physical relationship of buildings and other site improvements to one another and the surrounding area, as created by building size, mass, height, shape and setback, shall result in a harmonious development within the development and adjacent to it. The bulk and height of buildings within the proposed development shall be compatible with the surrounding area and sufficiently buffered from the surrounding areas in order to mitigate any potential adverse impact. Buildings, structures and parking areas shall be designed and located within the development in ways that conserve environmentally sensitive or unique natural, historic or cultural features, and minimize environmental impacts. Buildings and structures shall be designed to enhance both areas within the development and surrounding areas, giving due regard to building footprints, building orientation, massing, roof shape, pitch and exterior materials.

- 32.5.5 Building Size. Building size shall be limited in areas not conducive to absorbing the impacts associated with larger types of commercial establishments. Large scale buildings and operations are encouraged to be located adjacent to major arterials and are discouraged in areas abutting minor arterials, collector and local street systems. Buildings may contain such area of floor space as is approved in the Development Plan.
- 32.5.6 Tract Coverage. Ground coverage by buildings and paved areas shall be minimized and shall be designed to foster compatibility both within the project area and adjacent properties.
- 32.5.7 Lighting. Exterior building and parking lot lighting including the style and height shall be minimized and shall not be directed toward or impact adjacent areas. A detailed Exterior Lighting Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan.
- 32.5.8 Signage. All signs and graphics within the PCOD shall be compatible in size, location, material, height, shape, color, and illumination. A Signage Plan for the entire PCOD shall set forth the design parameter for the entire project to ensure a constant and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window and wall signs as well as distances from right-of-ways and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures compliment the appearance and architecture of the buildings and the PCOD, but do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the building materials and colors.
- 32.5.9 Landscaping. All yards (front, side and rear) and all open space not covered by structure, asphalt and the like shall be landscaped. A detailed Landscape Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. The Landscape Plan shall show the caliber, height, numbers, name and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to

reflect variations of topography, existing landscape or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade and strengthen vistas and important axis between the development and other locations. The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent residential uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant and other landscape materials so as to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance shall be used. Landscaped parking lot islands shall be designed in accordance with these landscape principles as well as to facilitate snow removal techniques.

- 32.5.10 Parking and Loading Areas. Off street parking shall be provided prior to receipt of a final certificate of occupancy from the Township for the main structure or building, with adequate provisions for ingress and egress. A detailed Off-Street Parking and Loading Plan shall accompany and be submitted with the Development Plan and shall be subject to approval as part of the Development Plan. Parking areas shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas shall be delineated and accented by landscaped areas. Parking aisles, whenever possible shall be oriented perpendicular to the building fronts. All service and delivery and loading areas shall be made to the rear of the structure(s) unless special design treatment or circumstances warrant an alternative. The layout of parking areas, service areas and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed, located and, in certain instances, screened to protect the character of the area as well as those areas adjacent to the development.
- 32.5.11 Open Space. Open spaces shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.
- 32.5.12 Floodplains and Environmentally Sensitive Areas. Floodplains shall be protected from building or pavement encroachment. A riparian buffer

shall be provided for stream beds along the entire length and on both sides of a river or perennial stream channel. The Board of Trustees shall determine the necessary buffer. This buffer area shall be restricted from development and managed to promote the growth of vegetation indigenous to the area capable of maintaining the structural integrity of the stream bank. A wetlands buffer shall be provided for all wetlands required to be retained by the Army Corp of Engineers or the Ohio EPA. The buffer area shall not be disturbed other than as is necessary to establish a natural landscape. Existing trees should be preserved and protected to the extent practicable.

- 32.5.13 Utilities. Centralized water supply and sanitary sewage disposal systems and storm water management shall be provided, subject to the Allen County Sanitary Engineer, Allen County Engineer, Board of Health and the Ohio Environmental Protection Agency approval. All utility service lines shall be located underground.
- 32.5.14 Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
- 32.5.15 Air Pollution. No emission of air pollutants shall be permitted which violate the Clean Air Act of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
- 32.5.16 Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other shall be performed within an enclosed building and not visible beyond any lot line bounding the property whereon the use is conducted.
- 32.5.17 Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
- 32.5.18 Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
- 32.5.19 Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the

property line of the subject premises. Noise standards of the Ohio Environmental Protection Agency shall be adhered to.

32.5.20 Odors. No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Ohio Environmental Protection Agency shall be adhered to.

32.6 Minimum Development Standards: The Development Plan shall comply with the following development standards:

32.6.1 Tract Size. No minimum lot or tract size is required. However, all lots and development tracts shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards.

32.6.2 Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein. All office and retail activities shall be completely enclosed within buildings, except for patios and similar facilities accessory to any permitted use.

32.6.3 Frontage, Setbacks and Yard Areas.

32.6.3.1 Frontage. Lots shall front upon and/or have access to an improved, public road. Outlots may be located on an improved, public or private road..

32.6.3.2 Minimum Side Yard. Due to varying lot sizes in the PCOD, the Board of Trustees shall determine the appropriate side yards on each side for principal and accessory structures, processing, and servicing or loading areas, or as authorized by an approved Development Plan.

32.6.3.3 Minimum Rear Yard per Tract. Due to varying lot sizes in the PCOD, the Board of Trustees shall determine the appropriate rear yard setback for principal and accessory structures, including open storage, processing, and servicing or loading areas, or as authorized by an approved Development Plan.

32.6.3.4 Right-of-Way Setback. Along all road frontages shall comply with the applicable Ohio Department of Transportation setback requirements along State Route 309 and include a clear strip of land upon which no building, structure, sign or

any other thing shall be erected nor any automobile parking space shall be provided with the exception of the following:

- (a) Driveways for ingress and egress.
- (b) Floodlights on poles not less than fifteen (15) feet above road grade and directed so that glare does not impinge upon the road.
- (c) Signs not over four (4) square feet for direction of traffic only.
- (d) Plantings no higher than three (3) feet above road grade.
- (e) Trees, except that when branches extend more than ten (10) feet in diameter, lower branches shall be trimmed to a height of six (6) feet.
- (f) Utility easements for the erection of public utility poles, hydrants and similar items.

32.6.4 Lot Coverage and Building Height.

32.6.4.1 Lot Coverage. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas, sidewalks and all other Impervious Surfaces shall not exceed in the aggregate eighty percent (80%) of the total area of the tract.

32.6.4.2 Maximum Stories: Building Height.

- (a) All Structures: No building or structure shall exceed three and one-half stories or forty-five (45) feet in height. Chimneys, flagpoles, steeples, parapets, cupolas and other similar architectural elements may exceed this height limitation by no more than ten (10) feet.

32.6.4.3 Building Dimensions. Buildings may contain such floor area as is approved in the Development Plan.

32.6.4.4 The use of environmentally conscious construction standards, such as the use of Leadership in Energy & Environmental Design (LEED) standards, on structures built in the PCOD is encouraged by the Township, but not required.

32.6.5 Architectural Standards. Buildings shall be designed to be seen from three hundred sixty (360) degrees and have the same caliber of finish on all elevations. Building additions and accessory structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall apply to structures for:

32.6.5.1 Design Elements. The architectural style and design of structures shall create harmony throughout the site. All materials used to construct buildings within the PCOD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by **Article 32.6.7.2** hereof. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the PCOD by this **Article 32.**

32.6.5.2 Materials. The exterior elevations of all proposed buildings and screening structures shall only consist of any combination, or all, of the following natural materials:

- (a) Wood;
- (b) Red or earth tone brick;
- (c) Native or cultured stone;
- (d) Stucco/EIFS;
- (e) Pre-cast concrete where used as an accent;
- (f) Cementitious siding (such as HardiPlank® or similar) and/or composite siding (such as SmartSide® or similar);
- (g) Metal and glass;
- (h) Any materials including vinyl siding, deemed by the Board of Trustees in its sole discretion to be acceptable substitutions for the above natural materials.

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

32.6.5.3 Façade Appearance. Unless otherwise approved by the Board of Trustees, at least one-third (1/3) of the front façade of a building shall consist of brick material. In addition, a

building wall that exceeds a width of fifty (50) feet shall incorporate sectioning and design elements that offset the wall plane to inhibit a large expanse of blank wall and add interest to the façade.

32.6.5.4 Glass. The use of black, gold, green, silver, opaque, or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the Board of Trustees.

32.6.5.5 Roofing. All pitched roofs shall be of dimensional shingles, standing seam metal, slate or simulated slate.

32.6.5.6 Drive In/Drive Thru Features. A drive in/drive thru facility, if deemed appropriate within the PCOD, shall be designed as an integral part of the structure it serves. Features incorporated with such a facility include, but are not limited to, canopies, awning, and support posts, which shall match or be coordinated with the materials and color scheme of the building they are serving. Drive in/drive thru features shall not have any drive-thru pickup windows, located on the front elevation of a building, but pedestrian only pickup windows shall be permitted on the front elevation.

32.6.5.7 In-Line Retail Exemption. Side or rear elevations of an In-Line Retail development may be exempt from the building design standards of the PCOD if such elevations are not visible to customer traffic, a right-of-way, or if a future phase of the In-Line Retail development is adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding, fencing, or a combination thereof, as deemed appropriate.

32.6.6 Exterior Lighting. The Exterior Lighting Plan is subject to the following requirements:

32.6.6.1 Traffic signals, where necessary, shall utilize a monopole design with mast arms extending over the intersection, in accordance with any applicable county or state regulations.

32.6.6.2 Site lighting shall be required for all developments and be designed to sufficiently illuminate the site and eliminate spillover from the property onto adjacent property based on best engineering practices and a lighting plan included as a part of the Application pursuant to **Article 32** hereof.

- 32.6.6.3 Light pole heights should be in harmony with the parcel, building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.
 - 32.6.6.4 Building, pedestrian and landscape lighting may be incandescent, LED, metal halide or other sustainable lighting as determined by the Board of Trustees.
 - 32.6.6.5 All parking lot areas shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one (1) foot candles and three (3) foot candles.
 - 32.6.6.6 All external lighting shall be decorative, cut-off type fixtures and downcast to reduce spillover. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his, her or its property.
 - 32.6.6.7 Luminaries should have a minimum cut-off of forty-five (45) degrees, so as to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.
 - 32.6.6.8 All Landscape Uplight Fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to eliminate light pollution.
 - 32.6.6.9 No permanent colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.
 - 32.6.6.10 External building lighting shall be limited to wall-mounted sconces.
- 32.6.7 Signage. The Signage Plan for the PCOD shall conform to **Article 32** hereof and **Article 22** of the Zoning Resolution or as approved by the Board of Trustees as well as the following:
- (1) Free standing signs are permitted along State Route 309 with a maximum area of fifty (50) square feet per sign face (not including the structural support).

(2) Free standing Hi-Definition LED signs are permitted for the use of the owning business to advertise their business, or for community messaging, but not for advertising for another business for fee, subject to the approval of the Board of Trustees.

(3) All signs comply with any applicable Ohio Department of Transportation rules or regulations.

32.6.8 Landscaping. All yard areas and Open Spaces shall be landscaped in accordance with the approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

32.6.8.1 Right-of-Way. Any surface parking areas adjacent to an existing or planned right-of-way shall be screened from the respective right-of-way with shade trees having a minimum caliper of two and a half (2½) inches for every forty (40) lineal feet of road frontage, and shall be located not less than three (3) feet outside of the right-of-way. This requirement does not apply in the areas of ingress and egress, or to existing trees which are undisturbed by the project.

32.6.8.2 Residential District Screening. Permitted Uses adjacent to existing residential uses and districts that are outside the PCOD overlay area shall install a six (6) feet in height wall of decorative stamped concrete . materials.

32.6.8.3 Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.

32.6.8.4 Plants. All plants shall meet or exceed the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.

32.6.8.5 Maintenance. All trees and landscaping shall be well maintained. All maintenance and upkeep of landscaping shall be the responsibility of the owner of such yard, space or area where the landscaping is located. Dead trees, shrubs and other landscaping material shall be promptly removed and shall be replaced within six (6) months or the next planting season, whichever is sooner.

32.6.8.6 Tree Preservation. Reasonable and good faith efforts shall be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow fencing at the drip line.

32.6.9 Parking and Loading. Parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan, unless a phasing schedule is approved as part of the Development Plan. In preparing the Parking and Loading Plan, all parking and loading areas shall conform with **Article 21** of the Bath Township Zoning Resolution and the following provisions:

32.6.9.1 Parking Bays and Minimum Parking Space Requirements. No parking bay shall contain more than twenty-four (24) total parking spaces, with a maximum of twelve (12) spaces in a single row. All parking spaces shall be not less than nine (9) feet wide and eighteen (18) feet long.

32.6.9.2 Parking Lot Location. Parking spaces may be permitted to locate in front of the principal structure if authorized by the approved Development Plan, provided that such parking complies with all other criteria contained in this **Article 21** and **Article 32**. Parking lot or parking area setbacks shall be determined by the Board of Trustees. In no event shall the parking be located closer than twenty (20) feet to any right-of-way, unless authorized by the approved Development Plan.

32.6.9.3 Parking Lot Islands. Interior tree islands shall be required within parking lots and shall be of sufficient number and size to provide for a ratio of one (1) shade tree for every twelve (12) parking spaces or fractions thereof. Each landscaped tree island in a single loaded parking stall shall have a minimum area of one hundred sixty-two (162) square feet with a minimum width of nine (9) feet. Each landscaped island in a double-loaded parking stall design shall have a minimum area of three hundred twenty-four (324) square feet, with a minimum width of nine (9) feet. Parking lot islands may be combined into one (1) or more larger parking lot islands, so long as they meet the area and landscaping requirements of this Zoning Resolution and are approved as part of the Development Plan. All landscaped tree islands shall contain at least one (1) shade tree a minimum of two (2) inches in caliper and include at least fifty (50) square feet of other plant

materials. The Parking and Loading Plan or the Landscape Plan shall identify all types of trees to be used in parking lot islands.

- 32.6.9.4 Driveways. Driveways shall be set back shall be determined by the Board of Trustees. Location of Driveways that connect to a public road shall be reviewed and approved by the appropriate governing agency (Allen County Engineer, Ohio Department of Transportation, etc.).
- 32.6.9.5 Service Parking. Parking for vehicles providing services to a building or development such as delivery, repair and maintenance vehicles (but excluding employee or visitor parking) shall be provided at a level determined appropriate for each specific use by the Board of Trustees, as applicable. All service areas shall be located behind the front elevation of the primary building.
- 32.6.9.6 Minimum Number of Parking Spaces Required. For all other buildings constructed in the PCOD, a minimum of one parking space per two hundred fifty (250) square feet of building area shall be required, unless satisfactory shared parking arrangements are established to the satisfaction of the Board of Trustees. Applicants may elect to provide one (1) space per employee plus one (1) visitor space per ten (10) employees if the Development Plan shows that there is sufficient room to expand the parking lot to provide the required amount of spaces in the future should the lot be sold to a new owner or the needs of the business change.
- 32.6.9.7 Loading Areas. All loading areas shall be screened from view by landscape planting (which provides seventy-five percent (75%) opacity), or walls and fences at least six (6), but not more than twelve (12), feet in height. All walls and fences used for screening shall be constructed of materials permitted by **Article 32.6.5.2** hereof.
- 32.6.10 Open Space. A minimum of fifteen percent (15%) of the total tract acreage shall remain and be utilized as Open Space. Open Space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open Space features may include, but are not limited to bike paths, walking paths, existing bodies of water, water impoundments, forested areas and landscaped areas and similar features. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.

- 32.6.11 Trash and Garbage Control. All trash and garbage shall be stored in container systems which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right-of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or fencing at a minimum of six (6) feet in height. Trash pick shall be prohibited between the hours of 11:00 p.m. and 5:00 a.m. unless otherwise approved by the Board of Trustees.
- 32.6.12 Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping.
- 32.6.13 Stormwater Basins. All stormwater basins shall be constructed per the requirements of the Ohio Department of Natural Resources Rainwater and Land Development Handbook and any applicable standards adopted by the Allen County Engineer. Wet stormwater basins shall require aeration devices. Bioretention basins, or rain gardens, may be used only when approved by the Board of Trustees as part of the Development Plan. Dry detention basins are permitted on private property only with a maintenance plan and divergence approved by the Board of Trustees. In addition to the minimum design standards required by the Allen County Engineer, dry detention basins shall meet the following layout requirements:
- 32.6.13.1 Dry detention basins shall be designed to drain toward the outlet or micropool so as to minimize standing water or excessively saturated soil conditions that interfere with regular maintenance and mowing. Basins shall be designed to drain within forty-eight (48) hours and maintained in a condition to maximize vector control at all times.
- 32.6.13.2 Side slopes shall not exceed 5 (H) to 1 (V) to prevent bank erosion, minimize safety hazards during peak stormwater events, and maintain an aesthetic landscape appearance. Maximum cross slope for vehicular accessways shall not exceed 10 (H) to 1 (V).
- 32.6.13.3 The bottom of the detention basin shall be a minimum of twelve (12) feet in width to allow for maintenance vehicle access. The minimum transverse slope for the basin bottom shall be 2.0 percent, and the bottom shall be sloped to drain in such a manner so as to avoid the development of flat spots and inadequate soil conditions.
- 32.6.13.4 Dry detention basins shall be designed in manner that coordinates with the overall site layout and landscape design.

32.6.13.5 Dry detention basins shall be finished with topsoil and seeded and mulched to prevent soil erosion. Grasses seeded within the basin shall be of a mix selected to survive forty-eight (48) hours under water. Mowing and/or trimming of vegetation shall be performed as necessary to sustain stormwater management functionality and landscape aesthetics. Mixed native planting schemes may be installed with an accepted landscape plan and maintenance schedule, as approved by the Board of Trustees.

32.6.13.6 Deciduous and/or evergreen trees shall be planted around the perimeter of the basin, provided that the plantings can be adequately located so as not to interfere with the integrity or functionality of the facility. A minimum of one (1) tree per forty (40) linear feet of basin perimeter shall be provided; however, trees may be grouped together in naturalized arrangements or to provide screening, per an approved landscape plan.

32.6.13.7 Soil compaction of the basin bottom shall be avoided during construction, or soils shall be amended and restored to functional condition as required by the Allen County Engineer.

32.6.13.8 Maintenance inspections shall be the responsibility of the property owner and shall occur on a regular basis to remove excessive debris and sediment accumulation, as determined in an approved maintenance plan.

32.6.14 Supplemental Conditions and Safeguards. The Board of Trustees may impose additional conditions relating to the Development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of Open Space areas; and other development characteristics.

32.6.15 Other Requirements. Unless specifically supplemented by the standards contained in **Article 32** herein or those standards approved by divergence, the General Development Standards found in this Zoning Resolution shall apply unless a divergence has been specifically requested and approved. In the event of a conflict between the General Development Standards and those contained in **Article 32** that cannot be reconciled by the Board of Trustees, those contained in **Article 32** shall prevail.

32.7 Divergences: An applicant for PCOD approval may request a divergence from any development standard or other requirement set forth in **Article 32**. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Development Plan.