

SECTION XVI - PLANNED UNIT DEVELOPMENT DISTRICT R-2

(All sections of Section XVI 2/9/1985 unless otherwise noted)

Part I. Planned Unit Development District Option (Amended 9/17/2004)

16.01 **PURPOSE:** It is desirable that an amendment to the Zoning Resolution be established which will permit the application of modern planning techniques in the development of residential areas providing a variety of housing types along with suitable and appropriate limited commercial development.

The clustering of single and multi-family dwelling units as defined in this Zoning Resolution is permitted in order that large areas of land can be left open for more flexible recreational use by all residents within an area and of the preservation of large areas of natural scenic beauty.

This zoning amendment is designed to promote high standards of external appearance of buildings and grounds; to preserve and extend the charm and beauty existent in and inherent to the semi-rural, residential character of Concord Township; to promote health, safety, comfort and general welfare, and thus to provide the economic and social advantages resulting from an orderly planned use of large parcels of land while protecting and retaining the present favorable environmental balance.

16.02 **GENERAL GUIDELINES:** In determining whether or not to permit a Planned Unit Development District within an area of Concord Township, and in reviewing any plans for the development of such a district, the Zoning Commission and the Trustees of Concord Township shall take into consideration the effect the district and its development will have upon properties in the surrounding vicinity, population density, population trends, open spaces, traffic problems and their relation to public safety, the availability and provisions for essential services, particularly water and sewage disposal, the need for adequate open space to provide light and air and recreational facilities, topography, unique scenic and/or historic features of the particular parcel under consideration and their relationship to the preservation of the character of Concord Township, the health, safety and welfare of the community and citizens thereof in the township and the surrounding communities.

16.03 **DEFINITIONS** (Applicable to Part I only):

- A. **APARTMENT:** A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a housekeeping unit for a single family.
- B. **APARTMENT BUILDING:** Shall mean and include buildings which are constructed for occupancy by three (3) but not more than eight (8) family units, not exceeding thirty-five (35) feet in height, in which the dwelling units are or may be serviced by common heating or plumbing systems and which units may be rented or may be sold as condominiums.
- C. **ATTACHED SINGLE FAMILY DWELLING UNITS:** Single family dwelling units not exceeding eight (8) dwelling units per building, not exceeding thirty-five (35) feet in height, which are physically attached one to another by common or adjoining vertical walls, which have individual heating and plumbing systems, and which are or may be individually owned or may be rented.
- D. **BUILDING:** A roofed and walled structure of a substantial nature constructed with a variety of exterior and interior materials, the interior space of which is generally heated and/or air conditioned with certain plumbing and electrical facilities and intended for residential, recreational, commercial or other similar uses.
- E. **BUILDING SITE:** The parcel or parcels of land within a Planned Unit Development District which are privately owned and may be occupied by one or more buildings or structures for the uses permitted within the particular use area in which the building site is located.

- F. **BUILDABLE TOPOGRAPHY:** That portion of the building site which either naturally or through approved regrading is physically suited for building construction. Specifically, the buildable topography is that portion of the building site which is accessible, lies outside of floodplains and consists of stable soil structure.
- G. **CLUSTERING (OR CLUSTER PLANNING):** Grouping of buildings around courts, cul de sacs or short streets in order to preserve open space.
- H. **COMMERCIAL CENTER:** A lot of lots and the building or buildings contained thereon within a Planned Unit Development used for the purpose of an occupation, employment, or enterprise carried on for profit by owner, lessee, or licensee, and engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the public during regular hours and which has display areas that are designed and laid out to attract the general public. (7/6/2002)
- I. **COMMON OPEN SPACE:** A deed-restricted parcel or parcels of land or a combination of land and water within a PUD District required to be transferred to one or more non-profit homeowners associations for the recreational and/or aesthetic use of the members of the association or associations, or to the Township, if accepted by the Township for the recreational and/or aesthetic use of all township residents. Common Open Space is exclusive of the required rear, side and front yards for the purpose of calculations under Section 16.05 below.
- J. **CONDOMINIUM DEVELOPMENT:** This term shall be defined as contained in Ohio Revised Code Section 5311.01 or any successors thereto.
- K. **DENSITY:** The maximum number of dwelling units per gross acre of land.
- L. **DETACHED SINGLE FAMILY DWELLING:** A building consisting of a single dwelling unit only, with no common building elements attached to any other dwelling unit.
- M. **DEVELOPABLE LAND:** Land minus common open space, commercial districts, school sites and dedicated roads.
- N. **DUPLEX:** Two single-family dwelling units which are physically attached to one another.
- O. **DWELLING, MULTI-FAMILY:** A building of at least two (2) but not more than eight (8) dwelling units with varying arrangements of entrances and party walls.
- P. **DWELLING UNIT:** A dwelling unit shall consist of one or more living rooms plus a separate kitchen and bathroom, designed or used as living quarters for one family or household.
- Q. **GROSS ACREAGE:** The total amount of land area, measured in acres, contained within the boundaries of the Planned Unit Development. (7/6/2002)
- R. **HOMEOWNERS ASSOCIATION:** Incorporated non-profit private organization or organizations operating under recorded land agreements or deed restrictions, whose purpose is to maintain common property and to provide various services for the common enjoyment of the residents.
- S. **OPEN SPACE:** Land area within the PUD District devoid of residential or commercial buildings and which may consist of wooded areas, lakes and streams, walkway systems (pedestrian paths), bike paths, natural sites, active and/or passive recreation areas and structures customarily incidental thereto.
- T. **PATIO HOMES:** A single family detached dwelling unit on a building site where one of the side yard setbacks may be zero feet.
- U. **PLANNED UNIT DEVELOPMENT DISTRICT:** A preplanned community within Concord Township containing various housing and compatible commercial uses, as permitted within this Zoning Resolution, constructed according to a predetermined and approved plan, and providing for the

clustering of housing to preserve common open space for scenic beauty and/or recreation for the use of residents and owners in the Planned Unit Development.

V. STREET TYPES:

1. ACCESS STREET: A secondary street emptying into a collector or other primary street and connecting with a cul de sac, other street or facility.
2. CIRCLE STREET: Secondary street in circular or curved form, each street end connecting with another street and having housing units only on the outside of the curve.
3. COLLECTOR STREET: Primary street serving residential areas and carrying major traffic flow and serving loop, circle, cul de sac or other secondary streets.
4. CUL DE SAC: Secondary street terminating in a dead end space (the cul de sac) enabling vehicular traffic to turn around and serving several individual home sites grouped around the turn around.
5. LOOP STREETS: Secondary street in looped or half circular form with each end connected to a collector street and serving housing units located on both sides of the street.

W. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground; a fence shall not be deemed a structure.

X. TOWNHOUSES: Single family dwelling units, not exceeding eight (8) units per building not to exceed thirty-five (35) feet in height, which are physically attached one to another by common or adjoining walls.

Y. TREE: A tree, as applicable to this zoning amendment, is any self-supporting woody plant of a species which normally grows to an overall height of a minimum of fifteen (15) feet and which provides shade or is capable of providing shade at maturity, with a trunk diameter of at least two (2) inches at six (6) inches above grade. (Amended 9/17/2004)

16.04 GENERAL REQUIREMENTS:

- A. The provisions of this Resolution shall apply only to a tract of land containing at least one hundred (100) acres under single ownership, and for which an application for Planned Unit Development is made as hereinafter provided.
- B. All land within the district shall be contiguous.

16.05 OPEN SPACE:

- A. A minimum of forty percent (40%) of the first one hundred (100) acres and twenty-five percent (25%) of the gross acreage over one hundred (100) acres within each PUD District shall be reserved as open space. Such open space shall be well distributed throughout the entire PUD District. In computing the amount of open space, dedicated right-of-way of all types, decks, and roofs shall be excluded. Recreational facilities or structures and their accessory uses located in open space and Common Open Space shall be considered open space as long as total impervious surfaces (paving, roofs, etc.) constitute no more than fifteen percent (15%) of the total open space.
- B. The minimum Common Open Space shall consist of twenty-five percent (25%) of the minimum open space required.
- C. At least fifty percent (50%) of the required Common Open Space shall have an overall finished grade not to exceed ten percent (10%).

- D. All Common Open Space land shown on a Final Development Plan for each phase shall, simultaneously with the recording of each such phase:
1. Be transferred to a homeowners association or associations which shall be non-profit corporations established in accordance with the laws of the State of Ohio for the purpose of accepting said Common Open Space land and operating and maintaining it, along with buildings and equipment for recreational purposes for the exclusive use and benefit of the members of said association or associations, if any; and to cooperate with officials of township, municipal, county, state, and other public authority for the preservation and betterment of the interest of the members of the association including, without limitation, the dedication of drainage ways or granting easements thereto. Membership in said association or associations shall, by deed restriction, be mandatory for all owners of residential building sites within the PUD.
 2. The Developer may deed title to all Common Open Space and recreational facilities to a fiduciary which, for a fee, acts as trustee for the benefit of members of a homeowners association or associations. The trustee shall give easements across open space and right to use the facilities to members of the homeowners association or associations. Each owner shall receive a fee simple deed from the trustee, subject to the Trustee's right to charge and lien each property of its proportionate share of upkeep costs for the common facilities.
- E. Fees for preservation, improvement and maintenance of the Common Open Space shall be stated with adequate provision for collection.
- F. In the event that the homeowners association or associations established to own and maintain Common Open Space, or any successor association or associations, shall at any time after establishment of the PUD fail to maintain the Common Open Space in reasonable order and condition, the Board of Concord Township Trustees may serve written notice upon such association or associations or upon the members thereof setting forth the manner in which the association or associations have failed to maintain the Common Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within forty (40) days of the notice. At such hearing the Board of Concord 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 corrected. If the deficiencies set forth in the original notice or in the modifications thereof have not been corrected within thirty (30) days or any extension thereof, the Board of Concord Township Trustees, in order to preserve the taxable values of the properties within the PUD, 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 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 Board of Concord 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 PUD to be held by the Board of Concord Township Trustees. At which hearing such organization or the residents of the PUD shall show cause why such maintenance by the Board of Concord Township Trustees shall not continue for a succeeding year. If the Board of Concord Township Trustees shall determine such association or associations are not ready and able to maintain said Common Open Space in reasonable condition, the Board of Concord Township Trustees may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and thereafter, subject to a similar hearing and determination, in each year. The decision of the Board of Concord Township Trustees in any case shall constitute a final administrative decision subject to review as provided by law.

The cost of such maintenance by the Board of Concord Township Trustees shall be assessed against the responsible homeowners association or associations. Such costs shall become a tax lien against said Common Open Space. The Board of Concord 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 Lake County Recorder, upon the properties affected by such lien within the PUD.

16.06 DENSITY:

- A. The density of land use within a PUD district shall be computed on a gross acreage basis. This density shall not exceed three (3) dwelling units per acre.
- B. Single family detached dwelling units shall constitute no less than thirty-five percent (35%) of the total number of dwelling units.

16.07 PERMITTED USES: Within a PUD District, the following uses are permitted subject to the area, size, density, and other provisions as set forth herein:

- A. Detached single family dwelling units.
- B. Attached single family dwelling units (multi-family).
- C. Subject to the provisions set forth in the Concord Township Zoning Resolution, a conditional use may be granted for a commercial center.
 - 1. A commercial center, or centers, within a Planned Unit Development shall be comprised of a lot, or lots, the total land area of which shall not exceed five percent (5%) of the gross acreage of the Planned Unit Development. (7/6/2002)
 - 2. The following uses shall be permitted in the commercial center of a PUD District:
 - a. Antique shop
 - b. Art gallery and/or art supply store
 - c. Bank
 - d. Barber shop
 - e. Beauty shop
 - f. Card and book shop
 - g. Boutique
 - h. Children's shop
 - i. Clothing store
 - j. Convenience food store
 - k. Cycle shop
 - l. Drug store
 - m. Dry cleaner
 - n. Fabric shop
 - o. Florist
 - p. Garden shop
 - q. Gift shop

- r. Gourmet shop
- s. Hardware store
- t. Health and food store
- u. Photographic supplier
- v. Restaurant – counter service (drive-thru service is prohibited)
- w. Restaurant – table service (drive-thru service is prohibited)
- x. Shoe store
- y. Sport shop
- z. Wine and cheese shop
- aa. Professional offices
- bb. Athletic facility
- cc. Day care facility
- dd. Jewelry store

(Section 16.07 C. 2. Amended 1/5/2007)

- D. Public, private and semiprivate golf courses and related facilities and golf clubs. (12/16/1993; Amended 9/17/1998)

16.08 COMMERCIAL STANDARDS:

- A. Commercial buildings and establishments shall be planned as groups having common parking area and common ingress and egress points in order to reduce the number of potential traffic conflicts at intersections with thoroughfares.
- B. The plan of the project shall provide for the integrated and harmonious design of buildings and for properly arranging facilities for internal traffic circulation, landscaping, and any and all other features to make the project attractive from the standpoint of adjoining, surrounding, existing or planned development.
- C. All areas within a commercial area designed for future expansion or not intended for immediate improvement or development shall be maintained in a neat and orderly manner as specified by the Board of Concord Township Trustees.
- D. All parking shall conform to parking regulations set forth elsewhere in this Resolution.
- E. Signs - All signs shall be part of the architectural concept. Size, color, location, arrangement and lettering shall be harmonious and compatible with the building design. All signs shall conform to sign regulations as set forth in Section XXX of the Concord Township Zoning Resolution.

16.09 PARKING:

- A. The overnight parking of automobiles and other vehicles on private or public streets within a PUD is prohibited.
- B. All automobile parking lots shall be screened from adjoining dedicated streets by the planting of coniferous shrubbery or the construction of a decorative fence or a combination of the two. No parking lot shall be closer than ten (10) feet from the dedicated street right-of-way.

- C. Off-street parking spaces for each dwelling unit in a PUD shall be provided in accordance with the requirements in Appendix A of this section.
- D. Off-street parking shall be provided for all commercial buildings within a PUD District in accordance with the following schedule:
 1. One space for each two hundred (200) square feet of gross floor space, but in no event less than six (6) spaces for each commercial building within a commercial area.
 2. Community facilities shall have one (1) space per one hundred (100) square feet of gross building space.
 3. The Board of Township Trustees shall apply the unit of measurement of the above schedule deemed to be the most similar to the proposed building use.
 4. All parking spaces, including driveways shall be of concrete or asphalt and adequately drained.
- E. Other applicable parking regulations in Section XXIX of this Resolution.

16.10 SPECIFIC REQUIREMENTS:

- A. The PUD District shall have an adequate source of potable water. All water lines constructed within the district shall be at the sole cost of the owner or developer and title thereto shall be assigned to the appropriate water utility upon completion thereof. All plans and specifications and construction of all water lines shall meet the approval of all regulatory agencies having jurisdiction.
- B. The developer of the land within a PUD District shall at his sole expense construct sanitary sewer lines approved by the regulatory agencies having jurisdiction to approve such lines. No occupancy of buildings within any phase of a PUD District shall be permitted until an adequate sanitary sewer disposal system to service such phase is available or a good and sufficient bond approved by the Township and County, equal to the estimated cost of the sewage system, has been deposited with appropriate authorities.
- C. The following utilities and necessary appurtenances shall be provided, constructed and installed underground within a PUD District:
 1. Gas lines, if any;
 2. Sanitary and storm sewer lines;
 3. Waterlines and pumping stations;
 4. Electrical lines and transformers;
 5. Telephone;
 6. Cable television lines, if any.

All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land within the PUD District, such as streams, rock outcropping, topsoil, trees and shrubs and the same shall be incorporated into and with the landscaping of such lands.

Easements shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.

- D. HEIGHT:
 1. The maximum height of buildings within a PUD District shall not exceed thirty-five (35) feet.
 2. No accessory use to an apartment shall exceed eighteen (18) feet in height.
- E. STREETS:

1. All streets and cul de sacs, including private streets, shall conform to specifications as set forth in the Lake County Subdivision Regulations.
 2. All cul de sacs must have a road diameter of no less than one hundred ten (110) feet to provide easy turning for fire equipment, moving vans and school buses.
- F. All walkways shall be constructed of suitable hard surface material.
- G. Lot widths may be varied to allow for a variety of structural designs. Building setbacks shall also be varied but in no case shall the setback on which the building fronts be less than a distance of thirty (30) feet from the dedicated street right-of-way.
- H. No building within a PUD District shall be constructed nearer than one hundred (100) feet from the edge of pavement of a Limited Access Highway or fifty (50) feet from the right-of-way sideline, whichever is greater.
- I. All sewage treatment or package plants shall be set back at least two hundred (200) feet from the nearest boundary line of the PUD District. Sewage treatment plants must have appropriate year-round fencing or screening for concealment.
- J. Final plats, deed restrictions and all pertinent papers or copies thereof or preliminary and final requirements herein are to be filed in the Township offices.
- K. No land shall be cleared of trees more than twenty (20) feet from the foundation of a proposed building except for commercial uses, required parking and necessary access. An exception to this requirement shall be granted in the case of those trees which, in the opinion of a landscape architect or consultant versed in arboriculture should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. An additional exception to accommodate required grading of the site may be made with the approval of the Zoning Inspector.
- L. Parking lots should be designed to minimize the amount of clearing required and to provide adequate site distances.
- M. Minimum square footage for each dwelling unit shall be provided in accordance with the requirements in Appendix B of this section.
- 16.11 PRE-APPLICATION CONFERENCE: The developer shall meet with the Zoning Inspector, Zoning Commission, the Township Trustees, the Fire Chief, the County Engineer or his representative, and the Director of the Lake County Planning Commission or his representative prior to the submission of the Preliminary Plan. The purpose of such meeting is to discuss early and informally the purpose and effect of this resolution and the criteria and standards contained herein, and to familiarize the developer with the current Subdivision Regulations, the drainage, sewer, and water systems and zoning regulations of Concord Township, as well as, allowing the developer to submit the general outlines of the proposed PUD.
- 16.12 TOWNSHIP PRELIMINARY PLAN: Formal application for approval of a PUD District shall first be presented in the form of a Preliminary Plan, and shall be filed with the Township Zoning Inspector, who, within forty-eight (48) hours after receipt shall transmit the same, including all documents relating thereto, and shall notify the Township Zoning Commission and Board of Concord Township Trustees in writing of such receipt and transmittal. The application shall also contain a request that the property contained in the preliminary plan be reclassified R-2 as provided in Section 16.13.

Copies of the Preliminary Plan shall be transmitted to the Lake County Planning Commission, the County Engineer and the Sanitary Engineer by the Township Zoning Inspector.

The purpose of the Preliminary Plan is to establish a frame of reference for the Township to consider the merits of a proposed PUD or Residential Conservation Development (RCD) (see Part II of Section

XVI) and to afford a basis for determining whether or not the Township would rezone the property to a PUD or RCD District R-2.

A Preliminary Plan for a PUD or RCD shall be submitted in ten (10) copies and shall include but not necessarily be limited to the following:

- A. A written explanation of the general character of the project and the manner in which it is planned to take advantage of the flexibility of these regulations and a statement of the applicant's intention with regard to future selling, renting, leasing of all or any portion of the PUD or RCD, and the rationale behind the assumptions and choices made by the applicant.
- B. A legal description of the property proposed to be developed with the application signed by the owner or owners of all land located within the proposed PUD or RCD District.
- C. A plat of survey, or a map, prepared by a registered engineer or land surveyor, either of which show a generalized plan of the proposed PUD or RCD sufficient to confirm the proposed development. Because maps frequently show distances inaccurately, the Board of Township Trustees, when approving a Preliminary Plan, shall not be bound by the locating of anything shown on a map if, when placed on a plat of survey, there is a conflict or difference.
- D. The approximate topography at two (2) foot contour intervals of the proposed development area and extending one hundred (100) feet outside of the proposed site, including property lines, street right-of-way, existing structures, structures to be removed, trees, and landscape features existing thereon and will include the gross area of the development area in acres and/or square feet.
- E. The density proposed for the entire development and if the development is to be comprised of different uses, the density of each separate use.
- F. A complete traffic impact evaluation which shall include:
 1. Existing and proposed vehicular traffic patterns.
 2. The potential location of parking and service areas within the commercial center, if any.
 3. The estimate of traffic volumes to be generated including existing and proposed major intersections which shall serve the proposed PUD or RCD and its immediate surrounding areas.
- G. Generalized plan for all utilities to include all existing and proposed storm and sanitary sewers and sewage treatment facilities. The plan shall include present water service facilities and highest or peak demand when the PUD or RCD is completed.
- H. The proposed assignment of use and subdivisions of all land including private and Common Open Space land with the gross area of each such use area in acres and/or square feet.
- I. General outline of deed restrictions, protective covenants, and other statements of devices to be used to control the use, development and maintenance of the land, and improvements including those areas which are to be commonly owned and maintained.
- J. A time schedule for construction and a cost projection for the development, including all public and private improvements in the development area.
- K. A population projection of the entire project and by specific phases.
- L. A market analysis indicating projected market for proposed project.
- M. An analysis for the area to be impacted, including watershed, drainage, sedimentation, erosion and soil capability. Sedimentation shall be controlled by seeding and mulching or other approved methods during construction.

- N. Proposed treatment of perimeter of the PUD or RCD including materials and techniques to be used such as fences, walks and shrubbery.
- O. Such other reasonable information as the Zoning Commission and Board of Township Trustees may require. The approval of the Preliminary Plan by the Board of Township Trustees shall not preclude their right to pass judgment on the specific location of buildings, structures or other improvements in approving a Final Development Plan. (Amended 9/17/2004)

16.13 APPROVAL:

- A. Upon the filing of the proposed Preliminary Plan and request for rezoning to Planned Unit Development or Residential Conservation Development R-2, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the filing of said application and Preliminary Plan. Notice of the hearing shall be given by the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. (Amended 4/15/2005)

If the proposed rezoning intends to rezone or redistrict ten (10) or less parcels of land as written on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or re-districted to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such amendment or supplement.

- B. The published and mailed notice shall set forth the time and place of the public hearing, the nature of the proposed rezoning, and a statement that the matter will be referred to the County Planning Commission and to the Board of Township Trustees.
- C. Within five (5) days after the receipt of the proposed amendment, the Township Zoning Commission shall transfer a copy thereof together with the Preliminary Plan to the County Planning Commission.
- D. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission. The Township Zoning Commission shall within thirty (30) days after the hearing, recommend the approval or denial of the proposed amendment or the approval of some modification thereof and submit such recommendation together with the request and Preliminary Plan and the recommendation of the County Planning Commission to the Board of Township Trustees.
- E. The Board of Township Trustees shall, upon receipt of such recommendations, set a time for a public hearing on such proposed amendment which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of the public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. (Amended 4/15/2005)
- F. Within twenty (20) days after such public hearing, the Board shall either adopt or deny the recommendations of the Zoning Commission or some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

G. Upon approval by the Township Trustees, the developer of the land will file a copy of the plan, as approved with the Clerk of the Township, Lake County Planning Commission and the Township Zoning Inspector. (Amended 9/17/2004)

16.14 TOWNSHIP FINAL DEVELOPMENT PLAN: After approval of the Township Preliminary Plan, the developer shall submit a final development plan for each phase of the development to the Board of Township Trustees for approval prior to construction of dwelling units commencing on that phase of the property. The initial phase final development plan for the approved development shall be submitted within twelve (12) months. If not submitted within the prescribed time, the Township Trustees shall notify the land developer that the Township Trustees will hold a public meeting to determine if the preliminary plan shall be reapproved. Said notice shall contain a brief statement setting forth the reason or reasons the hearing is being conducted and the date, place and time of the meeting.

Notice shall also be published in a newspaper of general circulation in the township setting forth the time, place and date of the hearing and a brief statement of the reason or reasons the hearing is being conducted.

Within fifteen (15) days from the date of the public hearing, the Trustees of the Township will notify the developer of the land of its decision. The land developer and the public shall be permitted to speak personally or through a representative, as to whether or not the preliminary plan should be reapproved.

A. The Final Development Plan of each phase shall consist of the following:

1. A proposed final plat in conformance with the requirements of the Lake County Subdivision Regulations.
2. All the information required on the Preliminary Plan, the location and sizes of lots; location and proposed density of dwelling units, non-residential building intensity, and land use considered for adjacent property.
3. A schedule for the development of phase to be constructed and a description of the design principles of the buildings and streetscapes, tabulation of number of acres in the proposed phase for various uses, number of housing phase proposed by type; estimated residential population by type of housing, estimate of non-residential population, anticipated timing for each phase and public improvements for each phase of the development.
4. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations, waste disposal facilities, street improvements within and outside the project, and nature and extent of earth work required for site preparation and development in conformance with the Lake County Subdivision Regulations.
5. Final forms of covenants running with the land, deed restrictions for both private and commonly owned land, easements, and by-laws for homeowners associations.
6. Estimated cost of entire phase as well as estimated costs for each use area including both private and public improvements.
7. Developer shall post with the Lake County Commissioners prior to the commencement of any construction, a bond sufficient to insure completion of the dedicated roadways and related public facilities.
8. Final approval of each phase subject to modification or conditions shall be agreed to in writing before recording where applicable and formal acceptance by the Township Trustees. Said

approval in writing shall be filed with the Township Zoning Inspector together with the plan for each phase as approved.

- B. If any phase of the final development plan contains land that is to be subdivided or a condominium development or any other use of the land that requires the recordation of a plat or plan pursuant to the Revised Code of the State of Ohio or the Lake County Subdivision Regulations, the developer shall provide the Board of Township Trustees a copy of the plat or plan in its final form which plat or plan shall have been approved by all governmental departments required to approve the same in accordance with the Code of the State of Ohio or the Lake County Subdivision Regulations.
(Amended 9/17/2004)

16.15 ZONING PERMITS: After the final plan for each phase is approved by the Township Trustees, the Zoning Inspector shall issue zoning permits as follows:

- A. A separate permit for each multi-family development in the approved phase.
- B. A separate permit for each building site other than multi-family.

The zoning permit as herein required shall be for a period not to exceed one (1) year. If no construction has begun within one (1) year after the issuance thereof, the Zoning Inspector shall notify the permitted that the permit is cancelled and void.

An extension of the one year period may be granted by the Township Trustees without a public hearing if the Trustees find that such an extension is not in conflict with public interest.

The developer of the land may request from the Zoning Inspector minor modification of any approved phase. If approved, the development may continue. Should any request for modification represent a substantial departure from the intent of prior approval of the approved preliminary plan and for the approved preliminary phase, said modification or amendment shall be subject to the procedure set forth in Section 16.14.

The following shall be deemed to be substantial changes and subject to the approval process:

1. A change in the use or character of the development.
2. An increase in overall coverage of structures.
3. An increase in the density.
4. An increase in traffic circulation and public utility usage.
5. A reduction in approved open space.
6. A reduction of off-street parking and loading space.
7. A reduction in required pavement widths.
8. A reduction of the required minimum acreage to qualify as a PUD not caused by development of any portion or phase of the approved plan.

16.16 DEVELOPMENT: Actual development within a PUD may be done in phases after a developer has obtained approval of the Preliminary Plan and approval by the Board of Township Trustees of the Final Development Plan for the phase to be developed.

16.17 ENFORCEMENT:

- A. The Zoning Inspector shall review, at least once every twelve (12) months, all zoning permits issued and all construction that has taken place within the development area.
 1. If the Zoning Inspector shall find that the ratio of construction of various types of residential units, nonresidential structures, open space and/or recreational facilities substantially differs

from the approved phasing program, he shall issue orders to the developer to comply with the approved phasing program. Upon violation of the subsection, the Zoning Inspector may suspend the Developer from further construction until compliance is achieved.

2. If the Zoning Inspector shall find that the Developer of the PUD District has failed to meet the approved development schedule for that particular phase, he shall forward this information to the Concord Township Board of Trustees.
- B. The Township Trustees shall within thirty (30) days of receipt of information from the Zoning Inspector conduct a public hearing giving fifteen (15) days notice previously thereto, to the owner or developer for the purpose of determining whether or not the land in the development area shall be considered for rezoning and the approved plan and any approval phase be voided, or whether for good cause shown by the owner or developer, that developer may correct the violations within a prescribed time as set by the Trustees. In the event that the developer does not comply, the approved plan or any phase thereof after the hearing required in 16.17(B), the such non-compliance shall be deemed a violation of the Zoning Resolution of Concord Township and the Township may proceed in an action in law or equity in addition to the remedies set forth in this section as provided by the Concord Township Resolution or the Revised Code of the State of Ohio to enforce the provision of this district classification.

Notwithstanding anything contained in this subsection, the following shall not be deemed to be failure to meet the approved development schedule: labor strikes beyond the control of the owner or developer and force majeure including but not limited to floods, hurricanes and fire.

16.18 AREAS ZONED R-2 BY AMENDMENT: On file in the Zoning Office, Concord Town Hall.

Part II. Residential Conservation Development District Option
 (All Part II of Section XVI 9/17/2004 unless otherwise noted)

16.19 PURPOSE: The primary objective of Residential Conservation Development (RCD) District zoning is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads, as provided under ORC § 519.021 for planned unit developments. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

These regulations are intended to achieve the following corollary purposes:

- A. To maximize protection of the community's natural resources while maintaining the character of the community. This is to be achieved by:
 - 1. Avoiding development on and destruction of sensitive natural resource areas;
 - 2. Reducing the quantity and improving the quality of storm water runoff from expected development;
 - 3. Maintaining and conserving natural characteristics such as woods, hedgerows, natural vegetation, meadows, slopes, floodplains, wetlands, and riparian corridors; and
 - 4. Reducing the conversion of natural areas to landscaped areas for lawns and the use of invasive vegetation.
- B. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- C. To establish a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
- D. To ensure that the proposed conservation development reflects the objectives of the Township's Comprehensive Plan.

16.20 GENERAL GUIDELINES/APPLICABILITY: A proposed RCD District shall be reviewed and approved in conformance with the Zoning Amendment procedures outlined in Section VIII of the Concord Township Zoning Resolution, and the provisions set forth under Part II of Section XVI. In determining whether or not to permit an RCD District within an area of Concord Township, and in reviewing any plans for the development of such a district, the Zoning Commission and the Trustees of Concord Township shall take into consideration the following:

- A. The effect the district and its development will have upon properties in the vicinity, population density, population trends, and surrounding open spaces;
- B. Traffic patterns and their relation to public safety, with assistance from the Lake County Engineer;
- C. The availability and provisions for essential services, particularly water and sewage disposal;

- D. The need for adequate open space to provide light and air; and
- E. The topography and unique scenic and/or historic features of the particular parcel or parcels under consideration and their relationship to the preservation of the character of Concord Township, the health, safety and welfare of the community, and the citizens in the Township and the surrounding communities.

16.21 DEFINITIONS: Refer to Section V, Definitions, of the Concord Township Zoning Resolution.

16.22 MINIMUM DEVELOPMENT AREA:

- A. A 20-acre minimum is required for a tract of land proposed for the RCD District option. (Amended 1/20/2006)
- B. The area or tract of land proposed to be developed as an RCD District shall be in one ownership, or if in several ownerships, the parcels shall be contiguous. The application shall be filed jointly by all owners of the contiguous parcels included in the proposed boundaries of the RCD District.

16.23 USES PERMITTED:

- A. Permitted Uses: Detached single-family dwellings on fee simple lots.
- B. Accessory Uses: Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of buildings and land in an RCD district. Accessory uses shall include, but shall not be limited to:
 1. Swimming pools within private yards.
 2. Customary home occupations such as handicrafts, dressmaking, laundering, home cooking, beauty parlor, barbershop; such home occupations shall not include mechanical or electrical repair shops, or manufacturing of any kind.
 3. An office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher or other member of a recognized profession.
 4. A builder's sales office in model homes.

16.24 PERMITTED DENSITY AND OPEN SPACE REQUIREMENTS: (Amended 1/20/2006; 9/1/2006)

- A. Base Density - Number of Lots Permitted: The number of lots permitted within a proposed RCD District shall be derived from the preparation of a Yield Plan. The Yield Plan shall show the maximum number of lots that could be placed on the site if the land were developed based on the existing conventional zoning for the property. In addition, the Yield Plan shall be reasonable and marketable, containing the information required for a Sketch Plan, as described in Section 16.28. The applicant shall have the burden of proof with regard to the maximum number of lots resulting from the design and engineering specifications shown on the Yield Plan.
- B. Open Space and Density Bonus: Open space areas shall be provided within a proposed RCD District development. To encourage the use of this RCD District option and the development of larger areas of open space, a density bonus on a sliding scale has been established. The Township will afford increases in the permitted base density, as determined in Section 16.24 A above, as designated areas of open space within the development are increased. The following table sets forth the allowable density bonuses based on the percentage of open space proposed. Open space areas proposed shall be limited to the percentages outlined below and shall be in

conformance with the design criteria set forth in Section 16.24 C. The maximum allowable increase in the base density shall not exceed 11 percent.

Open Space (%)	Density Increase (%)
10-19.9	2
20-29.9	5
30-39.9	8
40+	11

(Amended 9/1/2006)

C. Open Space Design Criteria: The open space areas proposed within the development shall comply with the following:

1. Open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
2. Any area designated as open space shall be preserved in its natural state for the enjoyment of residents of the proposed development. Any existing trails or paths can be preserved.
3. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered part of the open space include:
 - a. Public road rights-of-way;
 - b. Parking areas, access ways and driveways;
 - c. Required setbacks between buildings, parking areas, and project boundaries;
 - d. Required setbacks between buildings and streets;
 - e. Private yards;
 - f. A minimum of 15 feet between buildings and the open space areas; and
 - g. Other small fragmented or isolated open space areas that:
 - i. Have a dimension less than 25 feet in any direction for proposed project areas currently located in the R-1 District;
 - ii. Have a dimension less than 50 feet in any direction for proposed project areas currently located in the R-4 District; and
 - iii. Are less than one (1) acre in total area.

(Amended 1/20/06)

4. Any area within the designated open space that is disturbed during construction or otherwise not preserved in its natural state, other than common areas such as required setback areas and both sides of new streets, shall be landscaped with vegetation that is compatible with the natural characteristics of the site. (Amended 9/1/2006)
5. The designated open space areas shall be clearly shown on the Preliminary Plan.

D. Prohibition of Further Subdivision of Required Open Space. Any open space designated within a residential conservation development shall be prohibited from further subdivision or development.

- E. Ownership and Maintenance of Restricted Open Space. Subject to such permanent restrictions as set forth in Section 16.24 D above, designated open space areas in a residential conservation development may be owned by an association, a land trust or other conservation organization recognized by the Township. It shall further be the responsibility of such association, land trust or organization to ensure that the designated open space is maintained and preserved in its natural state.

16.25 DEVELOPMENT AND SITE PLANNING STANDARDS:

- A. Water and Sewer Requirements. Central water and sewer systems and/or facilities shall be provided within any proposed residential conservation development, and shall meet the approval of all regulatory agencies having jurisdiction.
- B. Minimum Lot Area. Each fee simple lot for a proposed single-family dwelling shall meet the following minimum lot area requirements:
 - 1. .25 acres for proposed RCDs currently located in the R-1 District. (9/1/2006)
 - 2. .50 acres for proposed RCDs currently located in the R-4 District. (9/1/2006)
- C. Minimum Lot Width. Lot widths may be varied to allow for a variety of structural designs. (Amended 9/1/2006)
- D. Minimum Building Setbacks. The following minimum building setbacks shall be required for proposed lots within the development:

	R-1*	R-4*
Minimum Front Building Setback Line	30 ft.	30ft.
Minimum Side Yard	10 ft.	10 ft.
Minimum Rear Yard	30 ft.	30 ft.
*For RCDs proposed in the existing residential district shown.		

(Amended 9/1/2006)

- E. Maximum Height Permitted. The maximum height permitted for buildings located in the RCD District shall be in accordance with the height restrictions set forth in Section 16.10 D, as applicable.
- F. Parking Requirements. The minimum number of parking spaces provided for each dwelling unit shall be in accordance with the requirements set forth in Appendix A for single-family detached dwelling units.
- G. Resource Protection Regulations.
 - 1. Wetlands Protection: The wetlands that are determined by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the minimum setbacks established by the Ohio EPA for Category 1, 2 and 3 wetlands.
 - 2. Riparian Setbacks. A riparian buffer shall be provided along all watercourses in Lake County, in accordance with the minimum setback standards established in the Lake County Subdivision Regulations.

16.26 STREET, DRIVE AND WALKWAY REQUIREMENTS:

All street, drive and walkway improvements shall conform to the specifications set forth in the Lake County Subdivision Regulations as well as the design standards set forth by the Lake County Engineers, and all applicable Township Resolutions.

16.27 DWELLING UNIT REQUIREMENTS:

The minimum square footage provided for each dwelling unit shall be in accordance with the standards set forth in Appendix B for single-family detached dwelling units.

16.28 PRE-APPLICATION CONFERENCE AND TOWNSHIP SKETCH PLAN REQUIRED:

A. Prior to the submission of a Township Preliminary Plan, the developer shall submit a Sketch Plan of the proposed conservation development for consideration by the Zoning Commission and Board of Trustees at a mutually agreed upon time by the Commission and Trustees. The Township may also elect to invite a representative from the Lake County Planning Commission, County Engineer, and other applicable County agencies for their review and comment.

1. The purpose of the sketch plan is to present to the Township the initial plans of the proposed development as it conforms to the purpose and intent of the RCD District as well as the criteria and standards contained within. Further, the sketch plan review process is provided to establish early on the number of lots permitted within the proposed development through the preparation of a Yield Plan, as set forth in Section 16.24 A. While the sketch plan is intended to be conceptual in nature and not involve significant engineering costs, the applicant must be able to demonstrate on the plan the proposed street layouts and the number of lots that could be developed under the conventional zoning district for the property, in accordance with the lot requirements set forth in the corresponding district section of the Zoning Resolution.

2. The Sketch Plan shall conform, at a minimum, to Article III, Section 2.C., Sketch Contents, of the Lake County Subdivision Regulations.

B. Upon their review, the Zoning Commission and Trustees shall provide the applicant with feedback on the Sketch Plan, including the proposed base density. Such feedback shall not be deemed a subsequent approval or denial of the Township's preliminary and final development plans submitted, but shall be the basis for proceeding with the Township's preliminary plan application and submission requirements.

16.29 TOWNSHIP PRELIMINARY AND FINAL DEVELOPMENT PLAN REVIEW PROCEDURES:

A. Any proposed RCD District shall be reviewed and approved in accordance with the procedures set forth in Sections 16.12 through 16.14 of Part I.

B. Upon approval by the Township Trustees of the Township Preliminary Plan, such plan shall be the basis for proceeding with the subdivision review process with the Lake County Planning Commission, as set forth in the Lake County Subdivision Regulations. The County's preliminary plan and final plat approval shall be based on the approved Township Preliminary Plan. Final Development Plan approval at the Township level, as set forth in Section 16.14, shall occur simultaneously with the approval of the final plat by the County as required in the Lake County Subdivision Regulations. As part of the subdivision preliminary plan and final plat review by the County Planning Commission, the Township will be afforded an opportunity to submit comments to the Planning Commission to ensure that the subdivision plans and plat conform to the approved Township Preliminary Plan.

- C. Upon the submission of each phase of the final development plan to the Township, a review of the final form of covenants, deed restrictions and/or by-laws associated with the development shall be completed by the Township's Legal Advisor. An additional fee will be assessed to the applicant for such legal review. The fee shall be in accordance with the amount established under Appendix I, Zoning Fee Schedule, of this Resolution. (1/20/2006; Amended 9/1/2006)

16.30 ZONING PERMIT REQUIREMENTS:

Upon approval of the final plat by the Lake County Planning Commission of each phase of any RCD District development, the Zoning Inspector shall issue Zoning Permits for any permitted buildings or structures in the RCD District in accordance with the zoning permit requirements set forth in Section 16.15, as applicable.

16.31 ENFORCEMENT:

Enforcement of zoning permits issued within an approved RCD District shall be done in conformance with the procedures set forth in Section 16.17.

16.32 CONFLICT:

Whenever there is a conflict or difference between the provisions of Part II, Section XVI of the Concord Township Zoning Resolution and the provisions of other sections of this Resolution, the provisions set forth in Part II, Section XVI shall prevail.

APPENDIX A – MINIMUM PARKING REQUIREMENTS FOR
SECTION XVI - PLANNED UNIT DEVELOPMENT DISTRICT R-2

DWELLING UNITS	ATTACHED GARAGE	UNENCLOSED OFF-STREET PARKING		DETACHED GARAGE SPACES	TOTAL MINIMUM
SINGLE-FAMILY DETACHED	2 cars	(plus) 1 car			3 cars
PATIO SINGLE FAMILY DETACHED (Zero (0) lot line on side yard)	1 car	(plus) 1 car	(or)	1 car	2 cars
MULTIPLE FAMILY ATTACHED (3-8 units/buildings)		2 spaces per unit minimum, ½ additional space for 2 or more bedrooms	(or)	2 spaces per unit minimum, ½ additional space for 2 or more bedrooms	2 cars (plus)
DUPLEX (2 single-family attached)		1 space per unit minimum plus 1 additional space for 3 or more bedrooms	(or)	1 space per unit minimum plus 1 additional space for 3 or more bedrooms per unit	2 cars per unit (plus)
APARTMENT		1 bedroom: 1-½ spaces; 2 bedrooms: 2-½ spaces; 3 or more bedrooms: 3 spaces	(or)	1 bedroom: 1-½ spaces; 2 bedrooms: 2-½ spaces; 3 or more bedrooms: 3 spaces	1-½ cars 2-½ cars 3 spaces

Refer to Section 16.09-C.

Note: When calculating parking spaces, the parking spaces will be rounded off to the next highest number. Public and private parking shall not be used in calculating the minimum Parking Requirements.

APPENDIX B – MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR DWELLING UNITS FOR
SECTION XVI - PLANNED UNIT DEVELOPMENT DISTRICT R-2

	1 STORY DETACHED	1 STORY ATTACHED	1-½ STORY	2 STORY
SINGLE FAMILY DETACHED	1200 sq.ft. total		1400 sq.ft. total	1600 sq.ft. total
PATIO SINGLE FAMILY DETACHED (Zero (0) lot line on side yard)	1000 sq.ft. total		1150 sq.ft. total	1250 sq.ft. total
MULTIPLE FAMILY ATTACHED (3-8 units/buildings) (per unit)		1 bedroom: 750 sq.ft. 2 bedrooms: 850 sq.ft. 3 bedrooms: 1200 sq.ft.	1000 sq.ft. total	1200 sq.ft. total
DUPLEX (2 single-family attached) (per unit)		1 bedroom: 800 sq.ft. 2 bedrooms: 1000 sq.ft. 3 bedrooms: 1200 sq.ft.	1150 sq.ft. total	1300 sq.ft. total
APARTMENTS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	
Minimum Square Foot/Unit	750 sq.ft.	800 sq.ft.	1000 sq.ft.	