

ARTICLE XI - MULTI-FAMILY PLANNED RESIDENTIAL DISTRICTS (MFPRD)

SECTION 11.01 - PURPOSE: The township, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the creation of such number of individual Multi-Family Planned Residential Districts in accordance with R.C. §519.12 as may be approved, each considered a separate and unique zoning district created by the township under R.C. §519.021(B) to promote the variety and flexibility of land development for multi-family residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township.

SECTION 11.02 - APPLICATION: The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

SECTION 11.03 - PERMITTED USES: Within a Multi-Family Planned Residential District (MFPRD) the following uses, developed in strict compliance with the approved development plan and standards, may be permitted if approved in the development plan. The precise use(s) or type of use(s) of the tract shall be specified in the plan as submitted and approved.

- a) Multi-family residential structures of any type having two (2) or more dwelling units per structure, including but not limited to attached, modular, patio, common wall or any reasonable variation on the same theme.
- b) Accessory buildings and accessory uses incidental to the principal building or use.
- c) Multi-family cluster housing. For purposes of this section, "cluster housing" shall mean a residential development wherein the overall density is consistent with that provided in Section 11.07 a) for a Multi-Family Planned Residential District but modifications are permitted in lot size and shape to concentrate residential development in a portion of the overall tract, thereby maintaining the remainder of the tract as a permanent, common, open space. Cluster housing does not permit any increase in the permitted density of a Multi-Family Planned Residential District.
- d) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Multi-Family Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- e) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for

such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential or sales use.

- f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

SECTION 11.04 - CONDITIONAL USES: Within a Multi-Family Planned Residential District (MFPRD) the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector.

- a) **Model Homes**, the same being defined as residential-type structures used as sales offices by a builder/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:
 - 1) Hours of operation: All model homes shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.
 - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with lighting found on surrounding homes.

- 3) Parking: All model homes shall provide off- street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
 - 4) Screening and Trash Receptacles: Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
 - 5) Termination of Use: The use of model homes within a residential development shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the units or lots therein.
- b) **Sales Offices** which are not model homes, but rather located within a permanent structure such as a clubhouse or community building. A sales office may be used only by a builder/developer selling homes located in the residential development within which the sales office is located and the sales office shall be staffed only by the builder/developer's sales force. Sales offices shall be subject to the following restrictions:
- 1) Hours of operation: All sales offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No sales office shall be open on Sunday before 12:00 noon.
 - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the sales office, except that which is in character with the clubhouse or community building and security lighting for the building.
 - 3) Parking: All sales offices shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per sales office.
 - 4) Screening and Trash Receptacles: Landscape drawings shall be required and show adequate landscaping and screening from adjoining lots. Trash receptacles shall be provided around the sales office for use by the public.
 - 5) Termination of Use: The use of sales offices within a residential development shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the units or lots therein.

- c) **Rental Complex Offices** - One (1) rental office shall be allowed within a rental complex. The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:
- 1) Hours of operation: All rental complex offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No rental complex office shall be open on Sunday before 12:00 noon.
 - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the rental complex office, except that which is in character with lighting found on surrounding homes.
 - 3) Parking: All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street paved parking lot for public use. The number of required parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required in Article XXI.
 - 4) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.
- d) **Borrow Pit**, unless included as a designed wet pond or dry basin in the approved development plan and standards. Otherwise, a borrow pit may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals, provided that it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
 - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.
 - 3) **Yard Requirements**. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a

property boundary line, except with the written consent of said adjacent property owner.

- 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
- 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
 - (a) A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
 - (b) Existing and proposed drainage of the area.
 - (c) Details of regrading and revegetation of the site during and at conclusion of the operation.
 - (d) The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
 - (e) Spoil banks shall be graded to a level suiting the existing terrain.
 - (f) All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
 - (g) When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
 - (h) An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of Section 21.05 and the provisions of this section, the more restrictive

provisions shall control.

- (i) An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- (j) All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

SECTION 11.05 - PROHIBITED USES: Within a Multi-Family Planned Residential District the following uses shall be prohibited:

- a) Any use not specifically authorized by the express terms of the approved development plan and standards.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. 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.
- c) 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 parcel within a Multi-Family Planned Residential District (MFPRD) for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No sales trailers of any type shall be permitted.
- e) No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- f) Except as specifically permitted in Section 11.03(e) or in the approved development plan no mobile home shall be placed or occupied in a Multi-Family Planned Residential District (MFPRD).
- g) No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

- h)** Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.
- i)** The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxodonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyeaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor -also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

SECTION 11.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to a Multi-Family Planned Residential District (MFPRD) shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township may request that the zoning map be amended to include such area in a Multi-Family Planned Residential District in accordance with the provisions of this Resolution.
- 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and the Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment to the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either.
- b) **Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form:
- 1) The size and location of the property proposed to be rezoned to this Multi-Family Planned Residential District.
 - 2) The general development character of the property proposed to be rezoned to a Multi-Family Planned Residential District, including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements and other development features including landscaping.
 - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution.
 - 5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
 - 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
 - 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - 8) Location of schools, parks and other facility sites, if any.
 - 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

- 10) If the proposed timetable for development includes developing the property proposed to be rezoned to a Multi-Family Planned Residential District in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole property (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
 - 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to a Multi-Family Planned Residential District and the engineering feasibility of the development plan.
 - 12) Specific statements of divergence from the development standards in Article XXI, Article XXII and/or this Article, or existing county regulations or standards, and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with.
 - 13) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
 - 14) A site plan at a scale not smaller than one inch (1") equals one hundred (100) feet. Such site plan shall clearly indicate:
 - (a) The net density and gross density of the proposed development.
 - (b) The design concept of the location, shape, size, and height of existing and proposed buildings.
 - (c) The existing and proposed landscape.
 - (d) Parking areas.
 - (e) Floor areas and elevations of typical units.
 - (f) Location and description of adjacent buildings within two hundred (200) feet from the boundary of the proposed development.
 - (g) The location and amount and status of required open space.
 - (h) Such other material data as may be necessary to evaluate the health, safety and welfare and determine compliance with this Article XI.
- c) **Criteria for Approval** - In approving an application for a Multi-Family Planned Residential District the reviewing authorities shall consider:
- 1) Whether the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.

- 2) Whether the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
 - 3) Whether the proposed development advances the general welfare of the township and the immediate vicinity.
- d) **Effect of Approval** - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan.
- e) **Plat Required** - In a Multi-Family Planned Residential District, no use shall be established or changed and no structure shall be constructed or altered until any subdivision plat required by local platting authority has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.
 - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the property, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
 - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. However, in no event shall any zoning permit be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.
- f) **Public Service Facilities Required** - In no event shall any zoning permit be issued for any building or use in a Multi-Family Planned Residential District until such time as the public service facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the development or phase of the development in which the building or use is located, are completed.

SECTION 11.07 - DEVELOPMENT STANDARDS: The development standards for a property within a Multi-Family Planned Residential District shall be as per the approved development plan. Notwithstanding the foregoing, unless a divergence is granted in the approved development plan the following standards for arrangement and development of lands and buildings, together with all other provisions of this Resolution, are required in a Multi-Family Planned Residential District.

- a) **Intensity of Use** - Subject to the exception set forth in Section 11.07 a) 1), the maximum density shall be four (4) dwelling units per gross acre of area within the area to be developed.
- b) **Maximum Units on Any Single Acre** - The maximum number of dwelling units on any single acre shall not exceed eight (8).
- c) **Open Space** - At least twenty percent (20%) of the total gross acreage of a Multi-Family Planned Residential District must be devoted to open space. Open space shall be designated upon the development plan as “Maintained Passive Open Space”, “Recreational Open Space” and “Unmaintained Passive Open Space” upon the basis of the definitions, purposes, requirements and conditions set forth in Section 4.01 of this Resolution. Such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures and improvements to the open space must be appropriate to the uses which are authorized for the open space, having regard to its topography and unimproved condition. The open space shall be of a size, shape and location which is conducive to use by all residents of property within the Multi-Family Planned Residential District. Public utility and similar easements, rights-of-way for streets and roads, and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right- of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as Maintained Passive Open Space, provided such facilities do not exceed ten percent (10%) of the total open space required.

The responsibility for the maintenance of all open spaces shall be specified by the developer in writing before approval of the development plan. The open space reserved in a Multi-Family Planned Residential District shall either be held in corporate ownership by owners of the project area, for the use of each person who buys or leases property within the development, or be dedicated to a homeowners' association that shall have title to the land. Such open space shall be used only for the purposes for which it is designated upon the approved development plan, and in accordance with the approved development plan. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Multi-Family Planned Residential District.

All open space shall be prohibited from further subdivision or development. This shall be done by placement in a reserve and notation on the final plat or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the township attorney.

d) Arrangement of Structures

- 1) **Setbacks** - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XXI unless variance therefrom is approved.
- 2) **Building Height Limits** - No building in a Multi-Family Planned Residential District (MFPRD) shall exceed thirty-five (35) feet in height measured from finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height.

e) Building Dimensions - Each multi-family dwelling hereafter erected in a Multi-Family Planned Residential District (MFPRD) shall contain the following minimum floor space, to-wit:

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| One (1) bedroom unit | 750 sq. ft. |
| Two (2) bedroom unit | 850 sq. ft. |
| Three (3) or more bedroom units | 1,000 sq. ft. |

- f) Landscaping** - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted for administrative review. All such landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space or area. All lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.
- g) Parking** - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall be incorporated.

- h) Signs** - Except as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in a Multi-Family Planned Residential District (MFPRD) except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.
- j)** The Zoning Commission and/or the Orange Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.