

ARTICLE XV - PLANNED ELDERLY RESIDENTIAL DISTRICT (PERD)

SECTION 15.01 - PURPOSE: The township recognizes that with increased urbanization and population growth comes increased demand for a range of residential opportunities specifically planned and developed for persons 55 years of age or older in order to afford these persons the benefits of independent living, assisted living, or nursing home care.

While recognizing that these needs may be provided for in a Planned Commercial and Office District (PC), the township hereby provides for creation of such number of individual Planned Elderly 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 address these needs in areas adjacent to single family residential development, thus protecting the residential character and property values of such development and preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township while promoting a broader variety and flexibility of land development to meet this demand.

Developments for these persons that are not appropriate for a Planned Elderly Residential District may be considered in a request for a Planned Commercial and Office District (PC).

SECTION 15.02 - APPLICATION: The owner of any parcel within the township having a minimum size of ten (10) acres may submit an application for change in the zoning under the provisions of this article of the Zoning Resolution.

SECTION 15.03 - GENERAL CRITERIA: The following criteria shall apply to all development within a Planned Elderly Residential District (PERD).

- a) The independent or assisted living housing accommodations to be provided shall be developed, operated and maintained in compliance with the following criteria:
 - 1) Intended and operated for occupancy by persons 55 years of age or older;
 - 2) 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
 - 3) Policies are adopted, published and adhered to concerning these occupancy requirements; and
 - 4) Verification procedures must be in place to verify the 80% occupancy requirement.

- b) Independent living facilities may only be incorporated with assisted living and/or nursing home care facilities with a state-approved license for either assisted living or nursing home.

- c) The ratio of independent living, assisted living and/or nursing home care shall be as stated in the approved development plan.
- d) Nursing home care facilities are permitted only if incorporated with independent living facilities and/or assisted living facilities.

The foregoing criteria shall be interpreted in a manner consistent with the Fair Housing Amendments Act of 1988, 102 Statute 1622, 42 U.S.C.A. 3607, as amended. The owner or operator of the housing accommodations shall be responsible for ensuring and maintaining compliance with all criteria.

SECTION 15.04 - PERMITTED USES: Within a Planned Elderly Residential District (PERD) the following uses, developed in strict compliance with the approved development plan , may be permitted:

- a) Attached or detached independent living units for occupancy and license, lease or rent by persons meeting the General Criteria listed in Section 15.03. Such structures may be single family or multi family structures.
- b) Assisted living facilities for occupancy by persons meeting the General Criteria listed in section 15.03.
- c) Nursing home care facilities for occupancy by persons meeting the General Criteria listed in Section 15.03, when incorporated with independent living facilities and/or assisted living facilities.
- d) 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.
- e) 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 15.05 – ACCESSORY USES: The following accessory uses may be permitted when incidental and subordinate to and in association with a principal permitted use within a Planned Elderly Residential District (PERD), provided such accessory use is for the comfort and convenience of, and primarily to be used by, the residents, their staff and guests, and further provided that such accessory uses are specifically set forth in the development plan and approved as accessory uses by the township.

- a) Dwelling units for occupancy by disabled persons who are unable to fully care for themselves.
- b) Cafeterias serving residents of the Planned Elderly Residential District (PERD) and their guests.
- c) Snack and beverage bars serving residents of the Planned Elderly Residential District (PERD) and their guests.
- d) Food service contractors serving residents of the Planned Elderly Residential District (PERD) and their guests.
- e) Private households - independent living residents employing workers primarily concerned with the operation of the household such as cooks, maids, gardeners, caretakers and other maintenance workers.
- f) Services for residents of the Planned Elderly Residential District (PERD) and their guests.
- g) Recreational areas for use only by the residents and their guests and by employees of the facility.
- h) Residences occupied by custodians, guards or resident care providers employed on-site by the facility or its resident(s).
- i) Other accessory uses incidental and specifically related to the convenience and care of residents of the Planned Elderly Residential District (PERD), as approved per the development plan.
- j) Parking and loading areas.

SECTION 15.06 - CONDITIONAL USES: Within a Planned Elderly Residential District (PERD) 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 customers 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) **Rental Complex Offices** - One (1) rental office shall be allowed within a Planned Elderly Residential District (PERD) 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 and/or this article.
 - 4) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.
- c) **Borrow Pit**, unless included as a designed wet pond or dry basin in the approved development plan. 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.
- d)** Signs to identify the community by name, address, and telephone number only – one at each entrance to the community. All signs shall conform with the requirements of Article XXII of this zoning resolution.

SECTION 15.07 - PROHIBITED USES: within a Planned Elderly Residential District (PERD) the following uses shall be prohibited:

- a)** Any use not specifically authorized by the express terms of the approved development plan.
- 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 Planned Elderly Residential District (PERD) 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 15.04 f) or in the approved development plan no mobile home shall be placed or occupied in a Planned Elderly Residential District (PERD).
- 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 15.08 - 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 Planned Elderly Residential District (PERD) 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 and having a minimum size of ten (10) acres may request that the zoning map be amended to include such area in a Planned Elderly Residential District (PERD) 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 a Planned Elderly Residential District (PERD).
 - 2) The general development character of the property proposed to be rezoned to a Planned Elderly Residential District (PERD), 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 Planned Elderly Residential District (PERD) 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 Planned Elderly Residential District (PERD) and the engineering feasibility of the development plan.
- 12) Specific statements of divergence from the development standards in Articles XXI, XXII and/or this Article, or existing county regulations or standards, and the justification therefore. 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 gross density of the proposed development, expressed in terms of units per acre, or beds per acre, as appropriate.
 - (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 XV.
- c) **Criteria for Approval** - In approving an application for a Planned Elderly Residential District (PERD) 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.
 - 4) Whether the proposed plan meets all of the design features required in this Resolution.
 - 5) Whether the proposed development is in keeping with the existing land use character and physical development potential of the area.
 - 6) Whether the proposed development will be compatible in appearance with surrounding land uses.
 - 7) Whether the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.
- 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) **Public Service Facilities Required** - In no event shall any zoning permit be issued for any building or use in a Planned Elderly Residential District (PERD) 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 15.09 - DEVELOPMENT STANDARDS: The development standards for a property within a Planned Elderly Residential District (PERD) shall be as per the approved development plan. Notwithstanding the foregoing, unless a divergence is granted in the approved development plan the following standards, together with all other provisions of this Resolution, are required in a Planned Elderly Residential District (PERD). Additionally, the approved development plan may require more than these minimums:

- a) **Access** - Frontage on, and direct access to, one or more dedicated and improved public roads is required. A minimum of two (2) means of ingress/egress shall be provided. Provision for future connections to other public roads shall be provided as required by the township.
- b) **Minimum Tract Size** – The minimum tract size required is 10 acres.
- c) **Density** - The maximum permissible density within a Planned Elderly Residential District (PERD) is as follows:
 - 1) For independent living units, a maximum of 4 units per gross acre allocated for such use may be considered and the actual density shall be as approved in the development plan.
 - 2) For assisted living and nursing homes, a maximum of 12 residents per gross acre allocated for such use may be considered and the actual density shall be as approved in the development plan.
- d) **Maximum Capacity:** The maximum capacity permissible within a Planned Elderly Residential District (PERD) is as follows:
 - 1) Independent Living: The maximum permissible for independent living units shall be any two individuals, related or not, living together as a family unit in an independent living unit and shall be as approved in the development plan.
 - 2) Assisted Living: The maximum permissible for assisted living uses shall as provided in the approved development plan.
 - 3) Nursing Home: The maximum permissible for nursing home uses shall as provided in the approved development plan.
- e) **Minimum Floor Space Requirements:** The minimum floor space requirements permissible in a Planned Elderly Residential District (PERD) shall be as follows and shall be as provided in the approved development plan.

- 1) **Independent Living** - Each single-family detached independent living dwelling in a Planned Elderly Residential District (PERD) shall have a ground floor living area of not less than one thousand (1,000) square feet or as per the approved development plan. Any other independent living dwelling constructed in a Planned Elderly Residential District (PERD) shall have a ground floor living area of not less than the following or as approved per plan, whichever is greater. All such living areas shall be exclusive of basements, porches, sunrooms, decks, or garages.

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

- 2) **Assisted Living** - Every room occupied for sleeping purposes within an assisted living building in a Planned Elderly Residential District (PERD) shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant, or the minimum number of square feet required by licensing requirements or law, whichever is greater.
- 3) **Nursing Home** - Every room occupied for sleeping purposes within a nursing home building in a Planned Elderly Residential District (PERD) shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant, or the minimum number of square feet required by licensing requirements or law, whichever is greater.

- f) **Open Space** - At least fifty percent (50%) of the total gross acreage of a Planned Elderly Residential District (PERD) 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 Planned Elderly Residential District (PERD). 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 Planned Elderly Residential District (PERD) 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 Planned Elderly Residential District (PERD). 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.

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. Subject to the above limitation, open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding of the proposed or existing houses.

- g) Minimum Lot Width** – The minimum lot width at the building line permissible in a Planned Elderly Residential District (PERD) shall be as established in the approved development plan.
- h) Setbacks** - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved development plan and the provisions of Article XXI, unless variance therefrom is approved.
- i) Walkways and Street Trees** – Walkways shall be required to connect all buildings with open space and to interconnect the open spaces. Street trees shall be placed outside of the right-of-way of all public roads and in the front lawn of the buildings.
- j) Buffering** - Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the establishment of tree cover or other foliage may be required as necessary to achieve the purpose of the open space and the buffering of adjacent uses.
- k) Preservation Areas** - Wetlands, steep (over 20%) slopes, forests, 100-year

floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.

- l) Utilities** - Centralized water supply and sanitary sewage disposal systems shall be provided, subject to Delaware County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and sanitary sewage disposal systems shall be indicated by the appropriate agencies in the approved development plan.
- m) Building Design** - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or within the site. All residential roofs must have a minimum pitch of 6:12, unless otherwise provided in the approved development plan.
- n) Building Height Limits** - No building in a Planned Elderly Residential District (PERD) 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.
- o) Landscaping** – All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped in accordance with the approved development plan. Final landscape plans shall be submitted for administrative review. All such landscaping shall be maintained and kept in accordance with the approved development plan, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space or area. All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands.
- p) 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 approved development plan. In preparing and approving the parking plan, the provisions of Article XXI of this Resolution shall be incorporated.

Permanent parking shall be provided outside any road right-of-way as follows:

- 1) Independent Living, including but not limited to residences for guards, security personnel and care providers: 2 spaces per dwelling unit, in the form of an appropriately sized individual driveway, or as provided in the approved development plan. This parking is in addition to any garage space.
- 2) Assisted Living: As provided in the approved development plan.

- 3) Nursing Home: As provided in the approved development plan.
- q) **Delivery Areas** – Delivery areas shall be located and screened so as to minimize inconvenience and annoyance of surrounding residential areas.
- r) **Signs** – Signs shall conform to Article XXII, unless otherwise provided in the approved development plan. Exterior signs in a Planned Elderly Residential District (PERD) shall incorporate the following:
 - 1) Identification signs must be placed at each entrance to the community.
 - 2) Notwithstanding Section 21.13 of this Zoning Resolution, address numbers must be placed on each building and on each separate independent living residence, be a minimum of three (3) inches high and be easily identifiable from the street. If identification is not possible due to distance from a street, then the number must also be on both sides of a mailbox for that building. If multiple addresses exist for one building, then the numbers must be at each entry and on the façade of each building that faces the road, identifying the addresses of the unit contained in each building.
 - 3) One sign for the permanent office, which shall be permitted only on or above the door to that office, and which shall be no larger than 3 square feet in area. It may display only the office name, address, telephone number, and hours of business.
- s) **Exterior Lighting** - All exterior lighting shall conform to Section 21.12 of this Zoning Resolution and be as specifically provided in the approved development plan.
- t) **Continued Compliance** - The owner or operator of the housing accommodations in a Planned Elderly Residential District (PERD) shall maintain compliance with the general criteria set forth in Section 15.03. The approved development plan shall specify the person to be responsible for maintaining such compliance. If the person responsible for maintaining compliance is to be changed, the zoning inspector shall be notified at least seven (7) days prior to the effective date of such change. The responsible person shall annually file a statement of compliance with the zoning inspector that warrants that the accommodations are in compliance with the above stated criteria.
- u) **Supplemental Conditions and Safeguards** - The Zoning Commission and/or 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.