

EXHIBIT A

1281.05 DEVELOPMENT STANDARDS.

In order to comply with the objectives of creating a harmonious TCD while considering the concerns of the surrounding property the allowance of sufficient buffering along the District is required according to the following:

- (a) (1) Any nonresidential development proposed in TCD-4 and TCD-5 Subdistricts shall be set back from the boundary of a single-family residential zoning district as follows:
 - (A) 250 feet in a TCD-4 Subdistrict.
 - (B) 500 feet in a TCD-5 Subdistrict.
- (2) These setbacks apply to buildings, parking, driveways and other uses associated with the nonresidential development.
- (3) These standards may be reduced as part of the Preliminary Development Plan Review, according to the procedures in *Section 1281.19* ~~Chapter 1280~~, when it is determined that the objectives of this chapter are satisfied and that any reduction of these distances will have no adverse impact on the quality of development in the District or adversely impact any surrounding residential areas.
- (b) The setbacks between the nonresidential uses in the TCD-1, TCD-2 and TCD-3 Subdistricts and the adjacent single-family zoning districts are specified in Schedule 1281.07.
- (c) The type of residential development and the residential density shall be as established in the approved preliminary and final development plan, provided that the gross density shall not be less than 4.0 dwellings per acre or be greater than 9.9 dwellings per acre. The maximum density shall be determined by including the open space and private streets that are part of the residential development area.
- (d) Within a TCD-4 Subdistrict the land area allocated to nonresidential uses and buildings as listed in Section 1281.03 shall not be less than 50% of the land area within the development. The land area of any off-street parking or parking garages/structures shall be considered as part of the land area of the use for which the parking is being provided. The Planning Commission may modify the allocation based on the development plan.
- (e) The land area of civic buildings or other public structures within the TCD shall not be considered in determining compliance with any land area allocation or density requirements of this chapter.
- (f) The floor area of the first floor of any single retail store located in the TCD may not exceed 65,000 square feet unless the Planning Commission and Council determine that a larger floor area for a specific single retail store is located, designed and arranged in a manner that is fully consistent with the purposes, intent and design criteria in this chapter.

1281.16 PRELIMINARY DEVELOPMENT PLAN.

A preliminary development plan shall be required for all TCDs in accordance with *Section 1281.19*. ~~Chapter 1280~~. The preliminary development plan required in this chapter shall be defined as per ~~this section 1281.19~~ and *in addition* ~~Chapter 1280~~ and shall contain the following information:

- (a) Survey or engineering drawing of the development area to be developed;
- (b) Permanent parcels including parcel numbers and dimensions of all parcels or portions contained in the proposed district;
- (c) Location and number of dwellings by dwelling type in each area, acreage of each area and densities in each area of the district;
- (d) A site plan depicting location, arrangement of all proposed nonresidential buildings and related parking;
- (e) Preliminary building design;
- (f) Preliminary site landscaping and site amenities plan. Site amenities included walkways, plazas, "street furniture" and lighting;
- (g) Location of existing and proposed public roads, private streets, parking and circulation;
- (h) Minimum peripheral setbacks around the perimeter of the district;
- (i) Plans and/or cross-sections depicting how the buffering and screening requirements of this chapter will be satisfied;
- (j) Location of all existing structures on the property which is subject of the application and any structures within 100 feet of the boundary of the proposed application;
- (k) The plan shall include a documentation that phases of construction for nonresidential development will occur in a manner that rationally expands the TCD character that is consistent with the goals of the Master Plan and does not result in isolated fragments;
- (l) Location, type and size of any easements, covenants, deed restrictions or other restrictions proposed or recorded;
- (m) Such other relevant information as the Planning Commission may require.

EXHIBIT C

1281.17 FINAL DEVELOPMENT PLAN.

(a) A final development plan shall be submitted and approved prior to the application of building permits. The procedure and requirements for the final development plan shall be as provided in **Section 1281.19** ~~Chapter 1280~~. The final development plan may be phased for portions of the development area within the preliminary development plan approved by Council. Each phase of development shall contain all necessary improvements to support that phase including but not limited to: utilities, retention, access, fire protection, parking, lighting, landscaping, buffering and required trees. Each phase shall also comply with all other codes and ordinances of the City to the extent not expressly modified by the specific terms contained in this section of the Codified Ordinances.

(b) In the TCD-4 and TCD-5 Subdistricts, the applicant shall also prepare and submit for approval by the Planning Commission in accordance with **Section 1281.19** ~~Section 1280.13~~, a Design Manual to establish the architectural design specifications and general design guidelines for the entire TCD proposed. The Design Manual shall include, but not be limited to, and shall provide examples of, architectural style of buildings, design features, exterior finish materials of buildings, basic design of streets, street furniture and fixtures, lighting specifications, general landscaping design, sidewalk and pedestrian plaza design criteria and other design elements of the development.

EXHIBIT D

1281.19 DEVELOPMENT PLAN REVIEW.

(a) **Application; Preliminary Plan of Development Area.** *With regard to Traditional Town Center/Main Street District development, the developer shall follow the requirements of this chapter and section. Twenty-four copies of the required plans shall be submitted to the Secretary of the Planning Commission and a Public Hearing shall be held. A developer shall also follow the Subdivision Regulations found in Title Four, Chapters 1240, 1242, 1244, 1246, and 1248 and first make application to the Planning Commission. Sketch Plan, Preliminary Plan and Final Plan shall have the same meaning as found in Chapter 1244. Plans may be submitted, however, only on behalf of a single owner of the parcel or a group of owners of the land included therein who are acting jointly. The plan of the development area shall indicate all uses proposed for the TCD area, and the location and arrangement of uses, and shall include, unless waived by the Planning Commission as not being applicable, the following:*

- (1) *The topography, at two foot contours intervals, of the proposed development area, including permanent parcels with parcel numbers and dimensions of all parcels or portions contained and adjacent to the development area, property lines, easements, street rights-of-way and existing structures, trees and landscape features existing thereon, and a certificate, by a registered engineer, architect or surveyor, of the gross area of the development area in acres and square feet;*
- (2) *The proposed vehicular and pedestrian traffic patterns, including the proposed location and design of public and private streets; the directional flow and location of existing and proposed storm and sanitary sewers and sewers connecting with existing or proposed Municipal interceptor, outlet or trunk sewers outside of the development area; the location and design of parking and service areas; and an estimate of traffic volumes to be generated, including the assignment of traffic to proposed entrances and exists;*
- (3) *The proposed assignment of use and subdivision of all land, including private land and common land, with a certificate by a registered engineer or surveyor of the gross area of each use of the development area in acres and square feet;*
- (4) *The location of all structures in the development area to be retained, all structures to be removed, and all structures lying outside of the boundaries of the development area, located within 200 feet thereof;*
- (5) *The proposed forms of covenants running with the land; deed restrictions, including those with respect to the use of the common land; covenants, restrictions or easements proposed to be recorded; and covenants proposed for maintenance;*
- (6) *A schedule of construction and cost estimates for the completion of the development, including all public and private improvements in the development area; and*
- (7) *Wetlands plan approved by the Army Corps of Engineers and Ohio EPA.*
- (8) *Such other relevant information as the Planning Commission may require.*

The plan of a development area shall be prepared by professional persons qualified in the planning of land development, traffic engineering and building and landscape design. Specifically, the architectural and engineering services required for the preparation of the plan shall be rendered by licensed professional persons, and the landscape and area planning and design shall be provided by persons who only provide professional advice and services.

(b) **Referral for Review and Reports.** *Upon receipt of a Preliminary plan of a development area, the Secretary of the Planning Commission shall transmit a copy of the Preliminary Plan to the City Engineer, Planning Commission, Mayor, Building Commissioner, Fire Department, Police Department, Economic Development Director, Architectural Review Board, Council, Director of Legislative Services, Law Director and City Planner (or a planning consultant) for their review, report and recommendations. The Secretary shall also transmit a copy of all covenants, restrictions and easements to be recorded, and covenants for maintenance, to the Law Director for his or her review, report and recommendation. The Law Director, City Engineer, Building Commissioner, Police Department, Fire Department, Economic Development Director, Architectural Review Board and City Planner (or a planning consultant) shall each, within thirty days from the date of receiving a Preliminary Plan of the development area, provide and furnish to the Planning Commission Secretary a report upon their respective jurisdictions. The Planning Commission Secretary shall distribute copies of the reports to; Planning Commission, Mayor, Council, Architectural Review Board, City Engineer, City Planner (or a planning consultant), Building Commissioner, Fire Department, Police Department, Economic Development Director, Applicant, and one copy shall be filed with the Director of Legislative Services, who shall maintain such copy open to public inspection.*

(c) **Report to Council.** *Within sixty days after a Preliminary Plan has been filed with the Secretary, the Planning Commission shall evaluate the plan and reports required under this section, and it shall furnish to the Council its detailed report and recommendation with respect thereto.*

The report of the Planning Commission shall include either a finding that the Preliminary Plan complies with the regulations, standards and criteria prescribed by this chapter for Traditional Town Center development areas applicable to the proposal, or a finding of a failure of such compliance, and shall recommend that the preliminary plan be approved, disapproved or modified. If in any such evaluation, the Planning Commission finds that any regulations, standards or criteria prescribed by this chapter are inapplicable because of unusual conditions of the development area, or the nature and quality of the proposed design, it may recommend to Council that an adjustment in such regulations, standards or criteria be made, provided that such adjustment will not be in conflict with the promotion of the public health, safety and general welfare of the Municipality.

The report of the Planning Commission, shall be filed with the Director of Legislative Services for submission to Council, Mayor, Law Director, City Engineer, City Planner (or a planning consultant), Building Commissioner, Fire Department, Police Department, Economic Development Director, Architectural Review Board, Planning Commission.

(d) **Action by Council.** *Council, at its next regular meeting following receipt of the Planning Commission report and recommendations, shall set a date for a public hearing on the Preliminary Plan of the development area, including the report of the Commission thereon, and shall give at least fifteen days' notice of the time, place and purpose of such hearing, by publication in two newspapers of general circulation in the City.*

Following the public hearing, Council shall either approve, disapprove or modify the preliminary plan. Council may affirm by majority vote any of the Planning Commission's recommendations or may disapprove a favorable recommendation of the Planning Commission by a majority vote of its members. If Council reverses a recommendation of the Commission recommending disapproval of a preliminary plan, it shall do so only by the affirmative votes of not less than two-thirds of its members.

(e) **Authority to Proceed.** *Following approval by Council, the Director of Legislative Services shall notify the City Engineer, Building Commissioner, and the Developer of such action. The Developer shall be permitted to proceed with construction of the subdivision improvements in accordance with Chapters 1242, 1244, and 1248. The Developer is not eligible for building permits until completion of any and all subdivision improvements as outlined in Chapters 1240 through and including Chapter 1248.*

The final development plan shall be in substantial accordance with the preliminary development plan and shall comply with the following:

- (1) *All the conditions imposed by Council in the approval of such preliminary development plan.*
- (2) *Be in conformance with all of the design standards and criteria of this Zoning Code.*
- (3) *All deed restrictions, dedications, covenants, agreements and other documents are in acceptable form and have been executed and all fees paid.*

(f) **Final Plan of Development Area.** *Upon completion of the subdivision improvements as required in Chapter 1244, 1246 and 1248, the Developer shall apply for Final Plan approval as permitted in Chapter 1248 and shall submit twenty-four (24) copies of the Final Plan of the Development Area. Said application for Final Plan approval shall comply with Chapter 1248.*

(g) **Conditions for Approval by Commission.** *The final development plan shall be in substantial accordance with the preliminary development plan and shall comply with the following:*

- (1) *All the conditions imposed by Planning Commission and/or Council in the approval of such preliminary development plan.*
- (2) *Be in conformance with all of the design standards and criteria of this Zoning Code.*
- (3) *All deed restrictions, dedications, covenants, agreements and other documents are in acceptable form and have been executed and all fees paid.*
- (4) *Completion and compliance with all requirements and agreements entered into in the Subdivision Construction Agreement.*
- (5) *Approval of the City Engineer.*

If the Planning Commission finds that a proposed final plan of a development area is in substantial accordance with, the Preliminary Plan heretofore approved by Council the Commission shall then approve such Final Plan and certify its approval to the Director of Legislative Services.

Council, at its next regularly scheduled meeting, upon a finding that the construction of the subdivision improvements are completed in accordance with agreements with the Developer and in compliance with all required code provisions, shall ratify its prior approval of the Preliminary Plan, accept the report from the Planning Commission approving the Final Plan, shall approve and certify the Final Plan.

(h) Progressive Development. A developer, having obtained approval of any Preliminary Plan of a development area, may construct the development in progressive stages as may be approved by the Planning Commission so long as the entire development area is included in the approvals sought and obtained from the Planning Commission and Council. The Developer shall advise the Planning Commission and Council of its intent to develop in phases and shall identify which areas correspond to the particular number of phases sought to be developed. The development in phases shall be included in any construction agreement negotiated between the Developer and the City.

(i) Amendments to Plans. At any time after the approval of a Preliminary Plan and before submission of a Final Plan of a development area, the City on its own accord based on information indicating a substantial change in the Plan or the owner/Developer may request an amendment be made of the approval or conditional approval of the Preliminary Plan. The request for such amendment shall be filed with the Planning Commission and one copy shall be filed with the Director of Legislative Services. If the request for said amendment is made by the City, timely notice shall be provided to the Developer/Owner. Under regulations established by the Planning Commission, the City Engineer or City Planner may agree to proposed amendments that are deemed to be minor. If the proposed amendment is deemed to be major, the Planning Commission shall consider the proposed amendment at the next regularly scheduled meeting. The Commission shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the Planning Commission, the applicant may withdraw the proposed amendment. A major amendment shall include, but is not limited to, any amendment that results in or has the effect of decreasing open space in the subdivision by ten percent (10%) or more or increasing density in the subdivision by ten percent (10%) or more. An applicant may not propose more than two amendments-whether major or minor-to any preliminary plat. The Commission shall render a decision on the proposed major amendment within thirty (30) days after the meeting. If, in the opinion of the Planning Commission, such amendment is in substantial agreement with the approved Preliminary or Final Plan of a development area, it shall be approved by the Planning Commission.