ORDINANCE NO. 22-04

AN ORDINANCE FOR ADDISON PROPERTIES APPROVING A REZONING AMENDMENT FROM A-1 (AGRICULTURAL DISTRICT), R-3 (ONE-FAMILY RESIDENTIAL DISTRICT) AND B-4 (GENERAL BUSINESS DISTRICT) TO A-1, R-3 & B-4 PMU (AGRICULTURAL DISTRICT, ONE-FAMILY RESIDENTIAL DISTRICT AND GENERAL BUSINESS DISTRICT WITH A PLANNED MIXED USE OVERLAY DISTRICT) FOR ADDISON FARMS ON APPROXIMATELY 272.698 ACRES LOCATED WEST OF US 23 AND EAST OF SMITH PARK.

WHEREAS, the Planning Commission at its meeting of December 15, 2021 recommended approval of a Rezoning Amendment for Addison Properties approving a Rezoning Amendment from A-1, (Agricultural District) R-3 (One-Family Residential District) and B-4 (General Business District) to A-1, R-3 & B-4 PMU (Agricultural District, One-Family Residential District and General Business District with a Planned Mixed Use Overlay District) for Addison Farms on approximately 272.698 acres located west of US 23 and east of Smith Park (PC 2021-3843) and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Delaware, State of Ohio:

SECTION 1. That the Rezoning Amendment for Addison Properties approving a Rezoning Amendment from A-1, (Agricultural District) R-3 (One-Family Residential District) and B-4 (General Business District) to A-1, R-3 & B-4 PMU (Agricultural District, One-Family Residential District and General Business District with a Planned Mixed Use Overlay District) for Addison Farms on approximately 272.698 acres located west of US 23 and east of Smith Park, is hereby confirmed, approved, and accepted with the following conditions that:

1. Any new structure(s) or any change of land use shall require conformance to all provisions of the Development Text and any conditions of approval.

SECTION 2. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

PASSED: February 28, 2022 YEAS 4 NAYS 1
ABSTAIN 0

ATTEST: Elaine McCloskey
CITY CLERK

MAYOR

ADDISON DELAWARE, LLC

ADDISON FARMS DEVELOPMENT

(THE "DEVELOPMENT")

PLANNED MIXED USE OVERALL DEVELOPMENT TEXT

CITY OF DELAWARE, OHIO

January 10, 2022

DISCLAIMER

In the event of an actual conflict between this Development Text and any exhibit to this Development Text or any item in the notebook of which this Development Text is a part, the provisions of this Development Text shall prevail and such exhibit or other item shall be deemed amended to conform to the conflicting provision in this Development Text.

1) DESCRIPTION OF THE PROPERTY AND DEVELOPMENT

a) Location. The Development which is the subject of this Overall Development Text (the "Text") is 272.698± acres comprised of a 248.903-acre tract in the City of Delaware (the "Property") and a 23.795-acre tract currently in Troy Township (the "Township Property") but is to be annexed into the City (which are together the "Development Property").

The east boundaries of the Development Property are on the southern portion south of the Panhandle/Hudson bridge, the center of the Olentangy River and on the northern portion, north of the bridge, U.S. 23 North. The west boundaries of the Development Property are the CSX railroad right-of-way and the Beachy property. The south boundaries are generally, east to west, Shelbourne Forest Subdivision, Hayes Colony Subdivision, and the

to-be-developed Rutherford Acres Subdivision. The north boundaries are generally, east to west, the Carlisle strip of property south of the self-storage units and the Hardy property, City-owned property south of the Lutheran Social Services property, Oakdale Subdivision, Oakhurst Subdivision, the Township Property, and newly split tracts in Troy Township fronting on Hills-Miller Road.

The Township Property part of the Development Property is bounded on the east by Oakhurst Subdivision (in the City) and a large lot fronting on Hills-Miller Road (in the Township), on the north by Hills-Miller Road, on the west by the newly split tracts (in the Township), and on the south by the Property.

b) Present Use. The Property is vacant, some wooded (approximately 100 acres) and the balance (approximately 149 acres) being farmed. The entirety of the Property is taxed based on Current Agricultural Use Valuation (CAUV).

The Township Property, which is vacant, has 12.9± acres of woods on the south portion while the remainder was previously farmed and was on CAUV.

c) Present Zoning. The Property's western 105.4 acres is zoned R-3, with the remainder of the acreage to the east of the R-3 zoned acreage is zoned A-1 except for 6.5± acres on the north boundary of the Development and just south of the self-storage units, the Hardy property and the City of Delaware property south of Lutheran Social Services, which is zoned B-4, for a total of 137.003± acres zoned A-1.

d) Surrounding Uses and Zoning. Across U.S. 23 from the Property is a mobile home park in Troy Township. North of the part of the Development Property zoned B-4 is B-4 and R-6 zoning in the City. To the north of the Property's A-1 zoned tract is R-6 zoned Oakdale Subdivision. To the north of the Property's R-3 zoned tract, east to west, are two lots in Oakhurst Subdivision (zoned R-1) and Hope Lane, the Township Property and the newly split lots in Troy Township. To the south of the Property, east to west, is a small tract in Delaware Township, Shelbourne Forest Subdivision zoned PUD, Hayes Colony zoned R-3, and to-be-developed Rutherford Acres zoned R-3. The west boundary of the R-3 zoned

Property is, south to north, the CSX railroad right-of-way and the R-3 zoned Beachy property. See the Zoning Map at Tab 8 in the notebook.

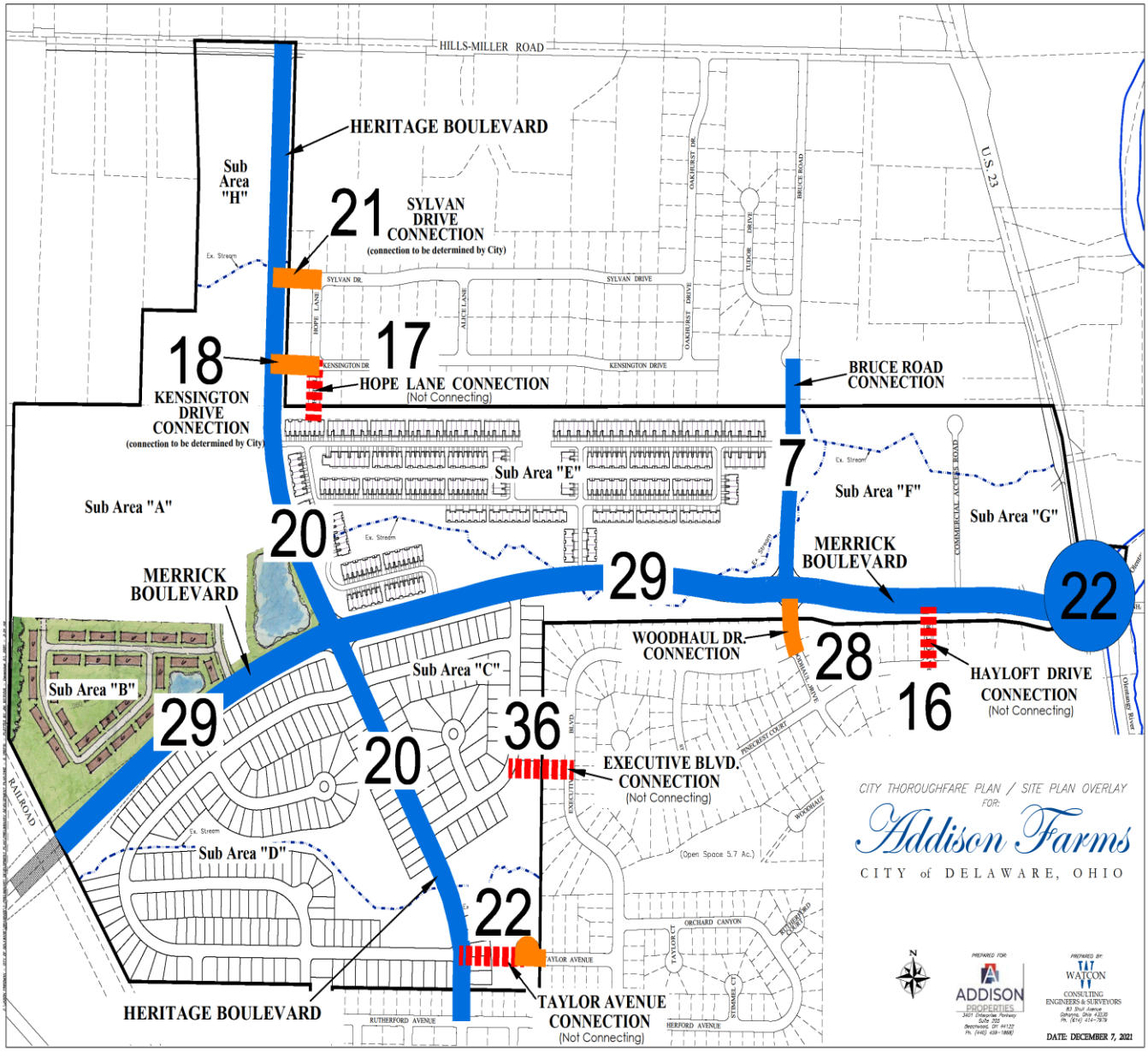
e) **Proposed Zoning**. A Planned Mixed Use (PMU) overlay is sought on the Property and on the Township Property upon its annexation.

f) **Proposed Uses**. This Development will be truly mixed use and the largest truly mixed use in the City's history. The Property is proposed to be developed in seven (7) sub areas and the Township Property in one (1) sub area (each a "Sub-Area"). Sub-Area A would be 37± acres of 2-3 story townhomes/multi-family residential or single-family residential. Sub-Area B would be 18.4± acres of 133 2-story or 3-story townhome residential. Sub-Area C would be 28.5± acres of 76 single-family homes with 60 lots of 65 feet by 125 feet or larger and 16 lots of 52 feet by 125 feet or larger, with 11 of the lots being tree preservation lots. Sub-Area D would be 53± acres of 180 single-family homes on lots of two widths, with 24 lots of 65 feet by 120 feet or larger and 156 lots of 52 feet by 125 feet or larger, with 10 of the lots being tree preservation lots. Sub-Area E, 53.0± acres, would have 315 single-story ranch apartments most likely by Redwood (which has Quail Pass Preserve west of Glenn Parkway and south of Mill Run Crossing), 0.91 acres of preserved wetlands, a 1.8 acre regional pond, one-half of which is needed for offsite storm water (from Oakhurst Subdivision), and another pond. Sub-Area F of 17.7± acres would include a regional pond of 1.6 acres for offsite storm water (from Oakhurst Subdivision, Oakdale Subdivision, Lutheran Social Services, the City's property and the Hardy property) and one or more of retail, light office, assisted living/nursing home, or other commercial uses or 2-3 story multi-family residential, as determined by the market. Sub-Area G, 12± acres fronting on U.S. 23 North to its east, would be commercial-retail, quick serve or other restaurant, gas station (no semi-tractor truck fueling; passenger vehicle fueling only) or other commercial and would have a 0.6 acre pond. Sub-Area H, 18.8 acres, the Township Property, would be for single-family residential or senior housing (detached or duplex). [Senior housing is age-restricted for 55 and older.]

g) **Streets/Thoroughfare Plan**. Presently there are no streets or roads in any of the 272± acres. The developer would construct, based on the Thoroughfare Plan ("TP"), a) approximately 5,990 lineal feet of Merrick Parkway (with a 100 foot right-of-way, 36 foot wide pavement, 5 foot sidewalk on one side and an 8 foot multi-use path on the other side

and with trees, buffering and mounding in some areas) (TP 29), b) approximately 4,564 lineal feet of Heritage Boulevard extension (with 80 foot right-of-way, 36 foot wide pavement, 5 foot wide sidewalks on both sides and trees and tree lawns) (TP 20), c) the Bruce Road Connector north of a roundabout with Merrick Parkway, approximately 860 feet of 28 foot wide pavement with a multi-use path on one side and a 5 foot sidewalk on the other side (TP 7), and d) south of a roundabout with Merrick Parkway an extension of Woodhaul Drive with 28 foot wide pavement with an 8 foot multi-use path on one side and a 5 foot sidewalk on the other side (TP 28). However, with respect to the following street connections on the Thoroughfare Plan, it is proposed (but of course, as determined by the City) that (a) Hayloft Drive not be connected so that the present "tot lot" therein can remain (TP 16), (b) Taylor Avenue not be extended westward into Sub-Area C, but rather there be a turnaround and gravel/stone path from the turnaround to Heritage Boulevard (TP 22) so that residents in Shelbourne Forest Subdivision and in Hayes Colony Subdivision may use and enjoy the 7.2± acre Open Space J/the park, with playground, two ponds (a total of 1.6± acres) and the paths in Sub-Area C, (c) that a connector westward from Executive Boulevard on a City owned lot in Shelbourne Forest Subdivision not be built (TP 36) and instead there be a multi-use path there to provide access to a to-be-constructed playground in the aforesaid 7.2± acre Open Space J/the park and then to Street "B" in Sub-Area C, and (d) Hope Lane not be extended to the south into Sub-Area E (TP 17), which will, if approved by the City, have private streets, but instead south of Kensington Drive that pavement, gutter and curb be removed, with the existing road right-of-way turned into a grassy area which will be either vacated by the City (thereby becoming the property of the lots on each side of the vacated street right-of-way) or retained by the City as a "tot lot," pocket park, dog area, etc. Whether or not to connect one or more of Sylvan Drive and Kensington Drive (TP 21 and TP 18) to Heritage Boulevard, both of which are shown on the Thoroughfare Plan as to be connected, will be the subject of a traffic study and as determined by the City. There would also be constructed public and/or private streets (to public street standards) in each Sub-Area, as determined by the City Engineer. There will be approximately 2,697 lineal feet of roadway/streets in Sub-Area B, approximately 2,510 lineal feet of roadway/streets in Sub-Area C, and approximately 5,867 lineal feet of

roadway/streets in Sub-Area D. Roadways/streets in Sub-Areas A, F, G and H will be determined in the future after specific uses for each Sub-Area are determined.



h) Multi-Use (Bike and Pedestrian) Paths. There are presently no multi-use paths within the Development Property. Consistent with the City's Bicycle and Pedestrian Master Plan there would be constructed by the Developer 8 foot wide multi-use paths along Merrick Parkway, the Bruce Road Connector and the extension of Woodhaul Drive, and on the west side of Heritage Boulevard between the roundabout and Hills-Miller Road, and the

Developer would dedicate land or grant an easement along the west side of U.S. 23 for a future multi-use path or sidewalk.

Additionally, there would be constructed an 8 foot wide multi-use path from Executive Boulevard through a City owned lot and green space to Street "B" in Sub-Area C, and a gravel/stone path from the new turnaround extension at the end of Taylor Avenue in Hayes Colony Subdivision through open space/parkland to Heritage Boulevard. Within Sub-Area C there would be about 1,115 lineal feet of 8 foot wide multi-use path and within Sub-Area D there would be about 1,800 lineal feet of 8 foot wide multi-use path. Any multi-use paths in Sub-Areas A, F, G and H will be determined after specific uses for each Sub-Area are determined and will be reflected in each Sub-Area Preliminary Development Plan.

i) Parkland/Open Space. There is presently no parkland on the Development Property and in the surrounding area/subdivisions the only parkland consists of Oakhurst Park and the tot lot on Hayloft Drive (disregarding Smith Park, which is located west of the CSX railroad tracks). The Development will include passive and active open space. It is proposed, subject to approval of the City, that on the City owned lot on the west side of Executive Boulevard and on Open Space J (7.2± acres) to the immediate west of the City owned lot, which will have a playground and the multi-use path set forth in h) above and, as such will be used by residents in the immediately adjacent Shelbourne Forest Subdivision and Hayes

Colony Subdivision (neither of which have such amenities), that the City accept the dedication of Open Space J as a City park.

Open space or parkland by Sub-Area would be as follows:

Sub-Area	**Acreage/%**
A	Not less than 20%
B	6± (32.6%)
C	7.7±(27%)
D	11.5± (21.7%)
E	Passive – 20.5± Total - 20.5± (38.68%)
F	Not less than 5%+
G	Not less than 5%
H	Not less than 20%+
Reserve Area #1 (south of Merrick west of Bruce Road Connector)	4.6±
Reserve Area #2 (south of Merrick east of Bruce Road Connector)	2.2±
Reserve Area #3 (east of Heritage Boulevard opposite Sub-Area H)	1.0±

The Open Space in each of Sub-Areas A, F, G and H will be determined by the applicable Sub-Area Preliminary Development Plan, but not less than set forth in the foregoing table.

It is proposed, subject to determination by the City Engineer, that Hayloft Street, currently a platted street from Pinecrest Court to the Property's south boundary which is used as a tot lot, not be connected to Merrick Parkway so that the tot lot can remain.

j) Sanitary Sewer. There will be constructed by Developer, subject to an upsizing agreement with the City, along the north side of Merrick Parkway from the trunk sewer along U.S. 23 North west to the CSX railroad tracks, over 6,100 lineal feet of twenty-four inch (24") sub-trunk sanitary sewer line as required by the City Sanitary Sewer Collection Masterplan and as approved by the Public Utilities Director.

k) Stormwater Management. All Sub-Areas of the Development will have retention ponds ("wet ponds") to detain and retain stormwater. Regional Pond A (1.6 acres) [in Sub-Area F] will exclusively serve land outside of the Development and one-half of Regional Pond B (1.8 acres) [in Sub-Area E] will serve land outside of the Development. None of the area to the north of the Development in Oakhurst Subdivision and in Oakdale Subdivision has detention or retention ponds; instead, the storm water free flows onto the Development Property into existing free-flowing streams then into culverts under U.S. 23 North through the Shroyer mobile home park and then into the Olentangy River. Regional Pond A will address stormwater quantity and quality from the two subdivisions to the north (in addition to a 0.9 acre retention pond for Sub-Area F's stormwater)

2) GENERAL DEVELOPMENT STANDARDS & REGULATIONS FOR ALL SUB-AREAS

a) Purpose and Intent. It is the intent of the Development to provide a mixed use development with common streetscape, signage, lighting, and pedestrian amenities to be compatible throughout the Development and covered by a master declaration. This Development Text represents the zoning requirements for this Development unless otherwise noted.

b) Conformance with Codified Ordinances and City Policy. Unless noted otherwise within this Development Text, all development will be constructed and provided in conformance

with the then-current Codified Ordinances and City Policy in effect at the time of application for a Sub-Area preliminary development plan. The approved Development Text, approved Overall Preliminary Development Plan, approved Infrastructure and Overall Final Development Plan, Sub-Area Preliminary Development plan and Sub-Area Final Development Plan will prevail over the then-current Zoning Code in the event of a conflict.

i) **Zoning of Annexed Land.** If the property shown on the Overall Preliminary Development Plan that lies outside of the current City's boundaries (the Township Property) is successfully annexed, it shall become subject to this Development Text and the Overall Preliminary Development Plan. It is anticipated that Addison Delaware, LLC will file for annexation of the Township Property before the zoning application for the PMU overlay district and the Overall Preliminary Development Plan are approved by City Council, but should that not occur, within 90 days of annexation or concurrent with the final annexation of the Township Property, Addison Delaware, LLC or the then-current owner may request in writing that the Township Property be zoned in accordance with this Development Text as approved by City Council and that the Township Property become Sub-Area H as shown on the Overall Preliminary Development Plan. If this request is received by the City, the Township Property shall become part of the Development as shown and subject to this Development Text and all applicable development plans and regulations. It is the express intention of the City and Addison Delaware, LLC that the Township Property shall become part of the overall development and subject to this Development Text and applicable development plans. If no such request is made within 90 days following the annexation, the land shall be zoned A-1, Agricultural, under the then-current Zoning Code of the City and any subsequent request for zoning change shall be made under the processes required by the then-current Zoning Code for amendments. If no such request is timely made, provisions contained herein related to Heritage Boulevard, pedestrian connections, multi-use path, landscaping, and buffering shall be required regardless of zoning district or uses.

c) Limitations. Nothing in this Development Text shall prohibit additional restrictions or requirements from being placed on the approval of any Infrastructure and Overall Final Development Plan and any Sub-Area Preliminary Development Plan or Sub-Area Final

Development Plan. Additionally, it is anticipated by the Developer that following the approval of an Infrastructure and Overall Final Development Plan (with or without the Township Property), that the City will require the submittal of applications for preliminary development plan and preliminary plat and subsequent final development plan and final plat for each Sub-Area or part thereof.

d) Major Modifications. Once an Infrastructure and Overall Final Development Plan has been approved by City Council, any subsequent major modification to that plan shall only be permitted by resubmission and approval of a revised Infrastructure and Overall Final Development Plan through the procedures set forth in the Zoning Code. Major modification for the purposes of this Development Text shall mean any modification of the approved Infrastructure and Overall Final Development Plan, as determined by the Director of Planning and Community Development, that results in:

i) Any major increase in the number of or change in the type and/or mix of dwelling units or any major increase in the non-residential building area.

ii) A major change in the approved location of land uses or land use Sub-Areas.

iii) A substantial alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character.

e) Minor Modifications. Once an Infrastructure and Overall Final Development Plan has been approved by City Council, any subsequent minor modification to such Plan shall only be permitted by resubmission and approval by the Director of a revised Infrastructure and Overall Final Development Plan. Minor modification for the purposes of this Development Text shall mean any modification of the approved Infrastructure and Overall Final Development Plan, as determined by the Director, that results in:

i) Any modification that is not considered a major modification by this Development Text or by determination of the Director.

ii) Any minor increase in the number of or change in the type and/or mix of dwelling units less than 10% in the total number of dwelling units or any increase less than 15% in the non-residential building areas.

iii) Minor change in the approved location of land uses or land use Sub-Areas.

iv) Minor alteration of the basic geometry, including right-of-way width, and/or operation characteristics of any element of the approved public and private street pattern, access points, parking facilities, service access, trash storage facilities, and system of pedestrian paths that results in a change in operating characteristics or character, as approved by the City Engineer.

v) Minor structural alterations that do not alter the overall design intent of the building.

f) Construction Schedules. Wherever reasonably possible, areas of the Development to be utilized as buffers for existing residential areas shall be developed and constructed prior to or concurrent with commencement of construction of commercial or multi-family portions of the Development.

i) The trees within the areas marked as a Tree Preservation Area on the Infrastructure and Overall Final Development Plan shall be preserved during the construction of the Development to provide for the required buffer.

ii) Multi-use paths along Merrick Parkway, the Bruce Road Connector and Heritage Boulevard, between the roundabout, Merrick Parkway and Hills-Miller Road, are to be constructed with the construction of each phase or section of Merrick Parkway, Heritage Boulevard and the Bruce Road Connector.

iii) Prior to or concurrent with the first Final Development Plan for a Sub-Area, the Developer shall submit for review and approval a Final Subdivision Plat for that Sub-Area. After a Final Plat for a Sub-Area is approved and recorded, administrative staff level minor lot splits and lot line adjustments may be allowed pursuant to the Minor Modification provisions of this Development Text thereafter so long as the request is consistent with this Development Text, the Infrastructure and Overall Preliminary Development Plan and applicable Sub-Area Preliminary Development Plan, and the applicable then-current Zoning Code.

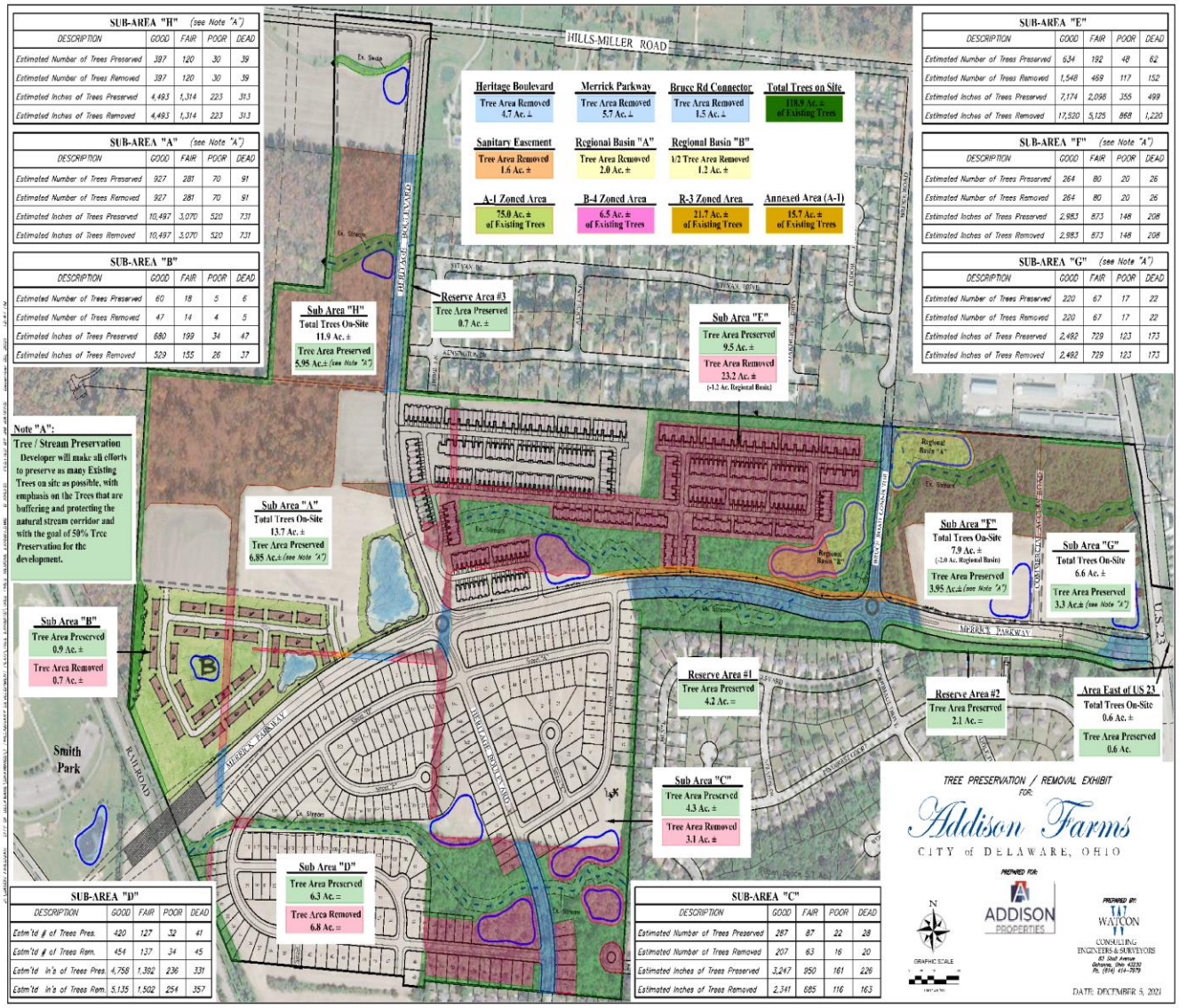
g) Perpetual Maintenance of Improvements. Any and all improvements not dedicated to the City, including, but not limited to, buildings, structures, preserves, landscaping, open space, reserves, signage, and pavement approved and constructed within the Development are required to be maintained to the level at which such improvements were at their installation. Perpetual maintenance responsibility for such improvements other than buildings not dedicated to the City will be as determined and set forth by Developer in a

master declaration creating a master association for the overall Development, in Sub-Area declarations creating Sub-Area associations for certain Sub-Areas, and in Developer deed restrictions for certain Sub-Areas. Generally, maintenance responsibility for buildings will be imposed upon the building owner, with enforcement by the master association or the Sub-Area association. The then landowners shall be compelled to comply with any written order of the City in regard to maintenance of such buildings and other private improvements.

h) Donation Collection, Dumpsters, Bins, or Areas. Within the Development, dumpsters, bins, or areas are not permitted except within a completely enclosed primary building or freestanding enclosure. Donation boxes are not permitted except within a building.

i) Tree Preservation, Removal and Replacement Plan. This subsection shall be the controlling regulation for the Development. The intent of this Plan is to (a) not remove in the Development more than 50% of the trees, except where an exemption under the preservation/replacement/credit schedule in (2) i)-v) below or elsewhere in this Development text or a Sub-Area Preliminary Development Text applies, and (b) preserve or replace as provided in this Plan 50% of the trees in the Development. Appropriate credit in the Tree Replacement Plan shall be given with respect to the A-1 zoned land that a number of trees could be removed as part of approved or customary timbering or could have been removed as part of approved or customary timbering. Further, best efforts shall be made to preserve trees of 36 inch or greater diameter at breast height and such shall be specifically addressed in each Sub-Area Preliminary Development Plan if applicable.

(1) Tree Survey. A tree survey has been provided that documents an estimate of the total number, type, size, and health of trees to be preserved and replaced according to the survey of open land, and preserves in sample areas, which is being verified by the City.



(2) Calculation of Replacement Trees. Tree removal and replacement shall be in accordance with the following preservation/replacement/credit schedule :

i) There will not need to be replaced or a fee paid with respect to (1) trees in poor condition or less than 6 inches in diameter at breast height, (2) trees removed for infrastructure construction in the right-of-way of Merrick Parkway, Heritage Boulevard, the Bruce Road Connector, Woodhaul, Sylvan Drive, Kensington Drive, Taylor Avenue extension/turnaround and roundabouts, (3) trees removed for the construction of any multi-use path, (4) trees removed for the construction of the sub-trunk sewer line, (5) trees removed for the construction of Regional Pond A and 50%

of the area of Regional Pond B, and (6) trees removed for the construction of any mounding or installation of evergreen trees or landscaping required by this Development Text, the Infrastructure and Overall Final Development Plan or any Sub-Area Final Development Plan ("Exempt Trees").

ii) Trees in fair condition which are not Exempt Trees shall be replaced at 50% to total caliper inches removed.

iii) Trees in good condition which are not Exempt Trees shall be replaced at 100% to total caliper inches removed.

iv) Ash trees shall not be replaced and must be removed from the site.

v) Trees in poor condition shall not be subject to this Calculation of Replacement Trees' preservation/replacement/credit schedule.

(3) Tree Fee. A $500 per single-family detached dwelling unit tree fee shall be charged on each single-family detached home at the time of building permit application. A $200 per dwelling unit tree fee shall be charged on each dwelling unit which is not a single-family detached dwelling unit at the time of building permit application. These tree fees paid shall be credited at $100 equals one (1) caliper inch.

(4) Required Trees. Trees that are required by the Zoning Code ("Required Trees"), such as, but not limited to, street trees and front yard trees, shall not be considered to be a Replacement Tree, but any tree meeting the Replacement Tree Criteria of (5) hereinbelow and which is not a Zoning Code Required Tree which is installed in the Development shall be credited at $100 per caliper inch.

(5) Replacement Tree Criteria. To receive credit as a Replacement Tree, a tree shall be required to have a minimum caliper of 1.75 inches. Evergreen (pine for example) trees shall be calculated as two (2) feet in height equals one (1) inch in caliper with a minimum required height of six (6) feet. Trees meeting this criterion which are not Required Trees as defined in (4) Required Trees are referred to herein as "Replacement Trees."

(6) Tree Replacement Requirement. At the time of construction of each single-family home (attached or detached), and senior housing unit (attached or detached), the builder shall be required to plant and install two (2) Replacement Trees on each such lot. At the time of construction of each building housing townhomes, condominiums, or apartments,

the builder shall be required to plan and install two (2) Replacement Trees for each dwelling unit in each building.

(7) Credit for Tree Preservation. In recognition of Developer's efforts to save trees in the design, layout and development of the Development through the provisions of this Tree Replacement Plan, the Tree Fees, the Tree Replacement Requirement, the intent to plant Replacement Trees in addition to the Tree Replacement Requirement ("Additional Replacement Trees") and many of the trees to be removed being in the A-1 zoned area and Sub-Area H, the Developer shall receive credit against (2), Calculation of Replacement Trees, for all Tree Replacement pursuant to (6), Tree Replacement Requirement and Additional Replacement Trees and in accordance with the schedule in (2) Calculation of Replacement Trees.

(8) Credit for Removal of Ash Trees. The removal of ash trees from the Development that would not otherwise be removed as a result of development (i.e., ash trees removed from open space reserves, and tree preservation zones/areas) shall be given a credit of one (1) caliper inch for every $100 cost of ash tree removal as submitted by the Developer or Sub-Area developer and as certified by the City Arborist.

(9) Replacement Completion. Fulfillment of this Tree Replacement Plan as written and in cumulative total for the Development shall result in no additional "fees-in-lieu" or other tree replacement, tree banking or other payments being required by the City; provided, however, if unanticipated circumstances are encountered in the development of the Property there may be amendment of this Tree Replacement Plan in a Sub-Area Preliminary Development Plan.

j) Landscaping and Screening.

i) All street tree plantings and any trees shown and approved on the Infrastructure and Overall Final Development Plan or for any Sub-Area Final Development Plan are considered required trees and must meet the requirements and approval process of the then-current Zoning Code unless modified in this Development Text, as it may be amended from time to time.

ii) Street trees placed every forty feet (40') on center shall be provided along all public streets (including US 23) and private access drives and, wherever such drives are adjacent to parking spaces, landscaping in conformance with then-current Section 1166.09(b) of the

Zoning Code shall be provided. Street trees or ornamental trees approved by the Shade Tree Commission shall also be provided in any median and placed every 40 feet on center or as otherwise approved with the Infrastructure and Overall Final Development Plan or a Sub-Area Final Development Plan, as the case may be.

iii) Unless expressly modified in the approved Infrastructure and Overall Final Development Plan or an approved Sub-Area Final Development Plan, there shall be the following:

1. Along U.S. 23, Merrick Parkway and Heritage Boulevard (except on single-family lots which front on Heritage Boulevard) there shall be 2-3 foot high mounding with landscaping.
2. Reserves 1 and 2 shall be a tree preservation zone/area supplemented, as appropriate and approved by the City, with evergreen trees at least 6 feet in height planted such distance on center as to create an effective buffer for houses in Shelbourne Forest subdivision and in Reserve 1, if and where, the multi-use path is not located adjacent to the tree lawn to the south of Merrick Parkway, but rather in the presently cleared farm lane, there shall be, as appropriate and approved by the City, evergreen trees at least 6 feet in height planted such distance on center to provide an effective buffer between the multi-use path and houses in Shelbourne Forest subdivision.
3. In Reserve 3 in the tree preservation zone/area there shall be, as appropriate and as approved by the City, 2 to 3 foot high mounding with landscaping.

iv) Any required front yard trees (not street trees) may be clustered so as to provide for visibility to building fronts while still ensuring their inclusion on the site.

v) Street trees shall be a minimum of 1.75 caliper inches as measured at breast height at the time of installation.

vi) All ponds must include functioning fountains, bubblers or aerators to prevent stagnant water.

vii) Parking lots shall be landscaped in a manner that minimizes the direct views of expanses of parking spaces and encourages safe vehicular movement, at a minimum, as depicted on the Overall Preliminary Development Plan or a Preliminary Development Plan for a Sub-Area. Each landscaped island within a parking lot shall be planted in accordance with the then-current Zoning Code provisions.

viii) Shrubs, at least 3 feet high at installation, shall be provided at edges of parking lots and along streets in accordance with Section 1166 of the then-current Zoning Code.

ix) Wherever possible along building frontages with a pedestrian walkway, a mix of year-round and seasonal foundation plantings shall be provided, in addition to tree wells or planters of other similar plantings included in the pedestrian walkway.

x) Ground mounted equipment, including but not limited to electrical transformers, HVAC, and generators, shall be screened from view using plant materials, opaque decorative fencing, or mounding providing 100% year round opacity, as determined in the Sub-Area Preliminary Development Plan. Rooftop HVAC and other rooftop equipment shall be screened as determined in the Sub-Area Preliminary Development Plan.

xi) Open spaces shall be landscaped and designed in a manner consistent with the Development Text, the Overall Preliminary Development Plan and the Preliminary Development Plan for the applicable Sub-Area. Landscaping and design plans for all open spaces shall be submitted and approved with the applicable Sub-Area Final Development Plan and include, at a minimum, the following:

(1) Except for stream preservation areas, sidewalks or multi-use paths shall be provided throughout the open space to link the amenities of the open space to the adjacent public sidewalk or multi-use path and provide active recreation throughout.

(2) Crosswalks leading to open spaces and public or private parkland shall be defined in a manner acceptable to the City Engineer as approved on the applicable Sub-Area Final Development Plan.

(3) Amenities, such as benches, gazebos, play equipment or other amenities, or features in the open spaces as required by the Sub-Area Final Development Plan.

(4) Unless otherwise noted in this Development Text, all open spaces shall be constructed with the public infrastructure with the Development or the respective Sub-Area in which the open space is located. Landscaping shall be installed at the first time of year in which it is appropriate to install such landscaping.

(5) Open spaces, green spaces, and preserves shown on the Overall Preliminary Development Plan or a Sub-Area Preliminary Development Plan are required elements .

k) **Pedestrian Connectivity.** Pedestrian connectivity shall be provided throughout the Sub-Areas with stub connections to other Sub-Areas and future development, and shall be constructed to the property lines as approved. Concrete sidewalks 5 feet in width and achieving compliance with minimum engineering requirements shall be provided on both sides of all public streets except where multi-use paths are provided as shown on the Overall Preliminary Development Plan or set forth in this Development Text.

l) **Parking.** The amount of parking provided shall not be substantially more than that shown on the Overall Preliminary Development Plan or the applicable Sub-Area Preliminary Development Plan and shall meet the minimum parking requirements of the then-current Zoning Code; provided, however, because the Planning Commission encourages the reduction of the required amount of parking by up to 30% and encourages shared parking opportunities where the locations and uses are compatible and make sense, in order to minimize the overall amount of parking on-site, the parking requirements of a Sub-Area may be reduced with approval of a Sub-Area Final Development Plan. Where necessary for connectivity and access management throughout the Development and to adjacent properties, cross access easements shall be provided and recorded. No overnight parking (12:00 am to 7:00 am), except employees and trucks docked in a loading facility, which shall not have their engines or cooling units running, shall be allowed. This overnight prohibition includes, but is not limited to, RVs, tractor-trailer trucks or similar sized vehicles. Overnight parking is defined as any qualifying vehicle parked on-site longer than 4 hours. At appropriate locations within the Development there shall be signs indicating no overnight parking is permitted.

m) **Lighting.** Building, site, and accent lighting shall be provided in accordance with the then-current Zoning Code, Building Code and this Development Text.

In Sub-Areas with non-residential or two or three story multi-family residential uses, except along public streets, lighting shall be as set forth in the balance of this paragraph m). All lighting fixtures, except those located in loading or service areas and not visible by the general public, shall be decorative fixtures that are appropriate and consistent with the overall design of the Development and/or Sub-Area. Standard shoe-box type fixtures and standard wall packs may only be used in loading or service areas that are not visible by the general public. Except as may otherwise be approved by the City, lighting shall be recessed

and/or cutoff. No lighting fixture shall be mounted higher than twenty-eight (28) feet in height. All ground mounted accent lighting shall be hidden in landscaping and directed in a manner that does not affect visibility or significantly add to overall skyglow. All non-security site and building lighting will be turned off one hour following close of business in accordance with building's operational requirements. Any use with a 24-hour operation shall provide a night lighting plan that minimizes site and building lighting during non-peak nighttime hours. This night lighting plan shall be reviewed and approved by the City. The City may revise or modify this night lighting plan through time as needed to achieve the overall goal of night time light reduction while providing for adequate security lighting. The then property owner is responsible for complying with the applicable night lighting plan and any modifications as directed by the City.

n) Entry Features and Signs. A comprehensive sign plan shall be provided and approved in conformance with then-current Section 1165.16(c) of the Zoning Code, this Development Text, and the Infrastructure and Overall Final Development Plan. If approved, such sign plan may be updated or modified from time to time consistent with this Development Text and applicable Zoning Code provisions. All signs in a Sub-Area shall be in conformance with the approved comprehensive sign plan. The comprehensive sign plan shall meet the following requirements, and unless noted below, all signs shall meet the then-current Zoning Code. All signage in the Infrastructure and Overall Final Development Plan shall be installed and at the cost of the Developer, while all signage in a Sub-Area Final Development Plan shall be installed at the cost of the developer of the Sub-Area.

i) **All Signs.** All signs shall be designed and located in a manner that is appropriate and consistent with the overall design of the Sub-Area. Unless noted otherwise, externally illuminated and reverse channel letter signs are preferred. For the purposes of this Development Text, a reverse channel letter sign is generally a type of sign that utilizes an opaque aluminum letter which is stud mounted away from the wall or mounting surface. Rear illumination creates a soft glow or halo behind the letter. Changeable copy and changeable face signs are prohibited except for gas pricing signs as approved with the Sub-Area Final Development Plan for Sub-Areas F and G. Businesses located within a building shall not be permitted any free-standing signs and shall be limited to one non-illuminated wall sign not exceeding two (2) square feet in area located in a sign band. No

building shall have more than two (2) such wall signs. Any and all signs shall not be allowed to fall into disrepair as determined by the City. If signs are found to be in disrepair and the City orders them removed, modified, or improved, the then-current owner of the property and/or business is required to comply with any such order within thirty (30) days.

ii) **Freestanding Signs.** Except for Development and Sub-Area identification and directional signs, freestanding signs are prohibited. Development and Sub-Area identification signs shall be of the highest quality and design and serve as part of overall entry features to the Development. Development and Sub-Area identification signs may only be provided at areas depicted on a comprehensive sign plan. Four (4) primary Development Identification Signs are allowed. Primary Development Identification Signs shall not exceed 20 ft. in height and are to be located adjacent to U.S. 23 along Merrick Parkway, at the entrance from the west along Merrick Parkway (when there is a crossing, at grade, via overpass or via underpass, of the CSX railroad tracks by Merrick Parkway), and along the extension of Heritage Boulevard on the south boundary of the Development and at Hills-Miller Road (if the Township Property is annexed and becomes part of the Development). Any single Development Identification Sign may be permitted to include up to five (5) accessory tenant panel signs as approved on the comprehensive sign plan. Additionally, the comprehensive sign plan may provide for two (2) secondary development signs, not to exceed 9 ft. in height including a stone base, and may include three (3) building or tenant panels each. There shall be on site directional and wayfinding as approved within any Comprehensive Sign Plan.

iii) **Building Signs.** As a result of the limitations placed on free-standing signs, flexibility shall be allowed for wall sign area. Wall signs shall be integrated into the overall design of the building to which the sign is attached in an area established as part of the building design approval for the purpose of mounting a wall sign (a sign band area). Only one (1) wall sign is permitted per primary tenant per frontage on a public or private street except that there shall be no more than two (2) such signs per primary tenant per building. In addition, one ancillary or directional sign no larger than 2 sq. ft. in area may be granted by the Director. Reverse channel letters signs, as previously defined, and gooseneck down lighting are required

iv) **Other Signs.** A temporary marketing/for sale or lease sign plan shall be provided as part of a comprehensive sign plan for the Development or a Sub-Area. All other signs shall meet the then-current Zoning Code. Temporary grand opening signage is allowed for up to thirty (30) days (initial opening of the business or housing development) and shall not include streamers, balloons, spinners, other air activated devices, billboards, search lights, flag (or blade flags) signs, flutter flags, or other temporary or permanent signs or attraction devices.

v) **Prohibited Signs.** Streamers, balloons (inflatable or hard plastic), spinners, any air activated devices, billboards, search lights, flag (or blade flag) signs, flutter flag, other devices prohibited within the Zoning Code, cardboard signs, sandwich board type signs, or other signs or attraction devices are prohibited.

o) Commercial Outdoor Patios. Where permitted and not in conflict with this Development Text, commercial outdoor patio hours of operation shall not begin before 9 am or extend past 11 pm. Outdoor music, amplified sound or sound systems, or outdoor entertainment shall be allowed only during the hours of operation and only where specifically permitted or not prohibited within each Sub-Area as noted in this Development Text or the development text for the Sub-Area. Trash receptacles, regular maintenance, fencing and lighting shall be provided for outdoor patios. All commercial outdoor patio areas shall be shown in detail at the time a Sub-Area Final Development Plan is submitted. All commercial outdoor patio areas shall be oriented away from any existing residential property located outside the Development and shall be completely screened from adjacent residential property. No signs shall be permitted in conjunction with any outdoor dining area, such as, but not limited to, banners, umbrella signs, pennants, and flags.

p) Prohibited Uses.

i) Adult entertainment businesses: (also known as sexually oriented businesses) are expressly prohibited from locating anywhere in the Development.

ii) Wireless telecommunication facilities: new, non-small cell towers are expressly prohibited in the Development.

iii) Outdoor storage: no outdoor storage, which includes open dumps, mineral extraction, etc., is permitted in the Development.

iv) Medical marijuana: no medical marijuana principal or accessory uses are permitted in the Development.

v) Games of skill: accessory or principle for-profit, non-charitable, skill based gaming uses oriented towards adults and designed to substantially mimic gambling devices such as but not limited to spinning skill stop games, but not including traditional video arcade type games typically found in restaurant/party center arrangements, for example Dave & Buster's, Magic Mountain, and Chuck E. Cheese, are permitted in the Development.

q) Utilities. All public utilities except for any existing above-ground utilities shall be placed underground with the exception of street and parking lot lights as approved on the Infrastructure and Overall Final Development Plan or any Sub-Area Final Development Plan . Above-ground utilities shall be completely screened or camouflaged to the extent legally permitted and practicable; provided, however, fire hydrants and standpipes are not subject to this requirement.

r) Postal Service Requirements. Prior to the submission of a Preliminary Development Plan for a Sub-Area or part thereof there shall be consultation with the U.S. Post Office and the City regarding U.S. mail service to the Sub-Area or part thereof and the Sub-Area Preliminary Development Plan provisions regarding mail service shall have been approved by the U.S. Post Office and the City.

3) BUILDING DESIGN

a) Building Design. All buildings shall meet the design requirements of then-current Chapter 1134, 1143 and Chapter 1171 of the Zoning Code as applicable unless modified by this Development Text or in a subsequent development text, Preliminary Development Plan or Final Development Plan for a Sub-Area.

i) Based upon the size of the Development and the various types of uses and buildings/structures there will be within the 272± acre Development, there are not uniform design standards except as set forth as design requirements in Chapter 1134, 1143 and Chapter 1171 of the Zoning Code, this Development Text, a Sub-Area Preliminary Development Plan or by Addison Delaware, LLC or its successor as Declarant under the master declaration or a Sub-Area declaration, if it determines to include additional

restrictive uniform building design requirements in the master declaration or a Sub-Area declaration.

ii) EIFS and similar materials shall only be used as an accent material. Vinyl-Higher End siding and trim may be used on multi-family buildings, two-family homes and single-family homes.

iii) A color pallet for buildings including roofs shall be submitted with the first Sub-Area Final Development Plan for a building use type (i.e. commercial or residential) for review and approval through the final development plan process for Sub-Areas.

b) Single-Family Attached or Detached Residential Structures. All elevations (all sides) shall be reviewed and approved by the Planning Commission and City Council as part of a Sub-Area Final Development Plan.

i) The architectural design/patterns of single-family dwellings, both attached and detached, and two-family dwellings may be similar and may be repeated from one dwelling to the next to unify the Sub-Area into a single architectural style if approved in the Sub-Area Final Development Plan. Similarities may include window styles and patterns, roof pitches, use and mix of exterior materials, and building massing.

ii) All dwellings shall provide an identifiable entry with entry coverings and stoops or recesses being a minimum of three (3) feet deep or the minimum necessary per the Building Code, whichever is greater. Any porch shall have a minimum depth of six (6) feet.

iii) Porch railings and column details are encouraged to vary from dwelling to dwelling. Porch columns shall have a minimum 6 x 6 inch cross section or diameter and shall not consist of visible metal or wrought iron posts.

iv) The exterior materials color palette shall consist of natural colors, including white. Additional colors may be used as accents but may not be high-gloss finish.

v) Exterior materials shall include cement fiber board, brick, stone, wood, vinyl siding-higher end as defined in current Zoning Code 1171.08 (hereinabove and hereinafter "Vinyl-Higher End"), or similarly approved products on all elevations.

vi) EIFS, Dryvit and similar products are prohibited as exterior materials, except as accents.

vii) All front elevations shall have a minimum of 35% brick, cultured brick, stone or cultured stone and include a variety of styles, colors, and/or material types to provide variety throughout the Sub-Area.

viii) Treated lumber shall be painted or stained.

ix) All exposed foundation walls, except for brick or stone patterned concrete foundation walls, shall be faced with natural or cultured brick or stone.

x) All single-family dwellings, both attached and detached, and two-family dwellings shall be permitted to utilize Vinyl Higher End trim on all elevations. Vinyl Higher End may also be used as a primary siding material.

xi) Trim boards around all corners, windows, and doors shall be a minimum of 4 inches wide all around. If a shutter or shutters are used no trim is required adjacent to the window.

xii) Frieze trim a minimum of 4 inches wide shall be required under all overhangs and gables.

xiii) Asphalt shingles shall be dimensional.

xiv) The principal roof structure shall have an eave overhang of not less than 12 inches with return.

xv) Primary roofs shall have a minimum pitch of 5:12. Porches shall have a minimum roof pitch of 3:12.

xvi) Lintels and sills in masonry walls shall be brick soldier course, limestone, sandstone, or a manufactured stone product.

xvii) Windows shall be of vertical or square proportion. Accent windows may be circular, half-round, or octagonal and are limited to one per elevation unless used in a pair. Rear and side elevations shall have a minimum of two windows or door with at least 50% glass.

xviii) Where wood burning fireplaces are utilized the chimney shall be faced with natural materials.

xix) All single-family dwelling units, both detached and attached, shall have at the minimum an attached two-car garage. Front elevations shall be designed to de-emphasize the visual impact of the garage and shall include at least one (1) light/window course and trim kits.

xx) Side elevations of any corner lot shall include multiple windows and design elements that provide visual interest to the secondary street to the side.

c) Commercial/Office and Commercial Less Than 80,000 Square Feet With or Without First and Second Story Flats (Residential Apartments). All such buildings shall be designed to be compatible with each other.

i) Large commercial buildings shall incorporate elements and forms that reduce large masses into an assemblage of definable parts.

ii) Buildings shall be oriented to a street whenever possible.

iii) Exterior materials color palette shall consist of natural colors including white. Additional colors may be used as accents but may not be high-gloss.

iv) Exterior materials shall include cement fiber board, brick, stone, cultured stone, wood, or similarly approved products on all elevations visible to the general public.

v) Aluminum and/or Vinyl Higher End shall be allowed for trim details only such as soffits, gutters, shutters, etc., but shall not be used as siding products.

vi) Painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials with the following exception:

> Split-face concrete block, tilt-up concrete wall panels, or pre-cast concrete wall panels may be used on elevations not visible to the general public, but such materials shall have an exposed surface that is textured, patterned, pigmented, and/or detailed to be complimentary to the building design. It is not anticipated that there will be many or any such areas that are not visible to the public and generally four sided architecture and materials are required. Quick-brik or similar structural brick masonry units are preferred in areas of the building not visible to the public.

vii) Unless otherwise approved in a Sub-Area Final Development Plan, buildings shall generally have a similar degree of exterior finishes on all sides and shall be articulated with recesses, pilasters, fenestration, and/or material changes. Compositions of similar building materials shall be used on all building elevations visible to public view.

viii) EIFS, Dryvit, stucco, or similar products are prohibited as an exterior material, except as accents.

ix) Treated lumber shall be painted or stained

x) All exposed foundation walls except for brick patterned concrete foundation walls shall be faced with brick or stone.

xi) Trim board around all corners, windows, and doors shall be a minimum of 4 inches wide all around except where shutters directly abut windows.

xii) Frieze trim a minimum of four (4) inches wide shall be required under all overhangs and gables.

xiii) Standing seam metal roofs are allowed in natural colors. Asphalt shingles shall be dimensional.

xiv) The principal roof structure shall have an eave overhang of not less than 12 inches with return.

xv) Lintels and sills in masonry walls shall be brick soldier course, limestone, sandstone, or a manufactured stone product.

xvi) Windows shall be of vertical or square proportion. Accent windows may be circular, half-round, or octagonal and are limited to one per elevation unless used in a pair. Rear and side elevations shall have a minimum of two windows. Glazing (windows) shall comprise most of the ground floor elevation and shall be utilized on all elevations and all stories with the exception of limited areas devoted only to service areas.

xvii) Accessory structures such as enclosures for dumpsters, refrigeration and freezing units, and other similar structures shall consist of brick and stone or similar approved products as the exterior material. Any such accessory structure shall be designed to be consistent and cohesive with the principal building it serves. Doors shall be included with dumpster corrals and areas and shall be metal or wood painted or stained to match the primary building materials.

xviii) Rooftop mechanical equipment shall be completely screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate.

d) Commercial Structures 80,000 Square Feet or Greater. Any building 80,000 square feet or greater in gross floor area shall meet the design requirements of then-current Chapter 1143 as well as the requirements of then-current Chapter 1148 of the Zoning Code, unless modified by this Development Text, which are related to uses commonly referred to as Big Box uses (in current Chapter 1143 and 1148 of the Zoning Code these are contained in provisions related to uses over 100,000 sq ft. and applied herein to uses greater than 80,000 sq. ft.).

i) When the wall of a building faces a public right-of-way or the main parking area or is within forty-five (45) degrees of facing a public right-of-way, a minimum of forty percent

(40%) of the ground floor wall area shall have the appearance of display-type windows. The bottom edge of such windows shall not be higher than three (3) feet above grade. Such windows may be opaque.

ii) Ground floor walls shall have no more than twenty (20) feet of continuous wall length devoid of windows unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a pedestrian scale, rhythm, and visual interest is created.

iii) Walls that meet the following criteria shall be exempt from the requirements of (i) and (ii) above:

(1) Two (2) walls, other than front walls, of adjacent business uses which face one another and are separated by not more than forty (40) feet, or, two (2) walls which face one another, are separated by not more than forty (40) feet and the space between the two (2) walls is used for servicing the buildings.

(2) The wall faces an area devoted solely to loading and delivery and is screened from view from all public rights-of-way, parking areas, and abutting residential areas.

e) Multi-Family. Unless otherwise modified within this Development Text, all dwellings shall meet the building design requirements of then-current Chapter 1171 R-5 and R-6 District multi-family standards for apartments of the Zoning Code or per the Sub-Area Final Development Plan:

(1) To create a cohesive and unified design throughout the Sub-Area, with each building being consistent in overall design, color, material, and architectural pattern and shall include similar and/or repeating patterns of design elements such as architectural styles, roof and building massing, window proportion, or other elements as determined through the Sub-Area Final Development Plan review process.

(2) All apartment building elevations (all sides) shall be reviewed and approved by the Planning Commission as part of the Sub-Area Final Development Plan.

(3) Exterior Material and Trim Standards.

A. All multi-family buildings shall be permitted to utilize Vinyl-Higher End, as defined in current Chapter 1171.08(c)(19) on all elevations.

B. The front elevations shall have brick or cultured brick or stone or cultured stone veneer wainscoting.

C. The side elevations that face a street, open space or other prominent locations at Staff's and/or Planning Commission's discretion shall have veneer wainscoting or vinyl shake siding on the gables per the approved Sub-Area Preliminary Development Plan's architectural details plan exhibit.

D. All front elevations shall include a variety of styles, colors, and/or materials including, but not limited to, dormers, vinyl shake siding, etc.

E. Trim board around all corners, windows, and doors shall be a minimum of 4 inches wide all around.

F. All building overhangs/soffits shall be a minimum 8 inches.

G. EIFS, Dryvit, stucco, or similar products are prohibited as an exterior material.

H. All apartment building elevations shall be reviewed and approved by the Director of Planning & Community Development.

(4) Design Standards.

A. Primary roofs shall have a minimum pitch of 5:12.

B. Lintels and sills in masonry walls shall be brick soldier course, limestone, or sandstone, along with other cultured stone products.

C. Windows shall be of vertical or square proportion. Accent windows may be circular, half-round or octagonal and limited to one per elevation unless used in a pair. Rear elevations shall have a minimum of one window.

D. Treated lumber shall be painted or stained.

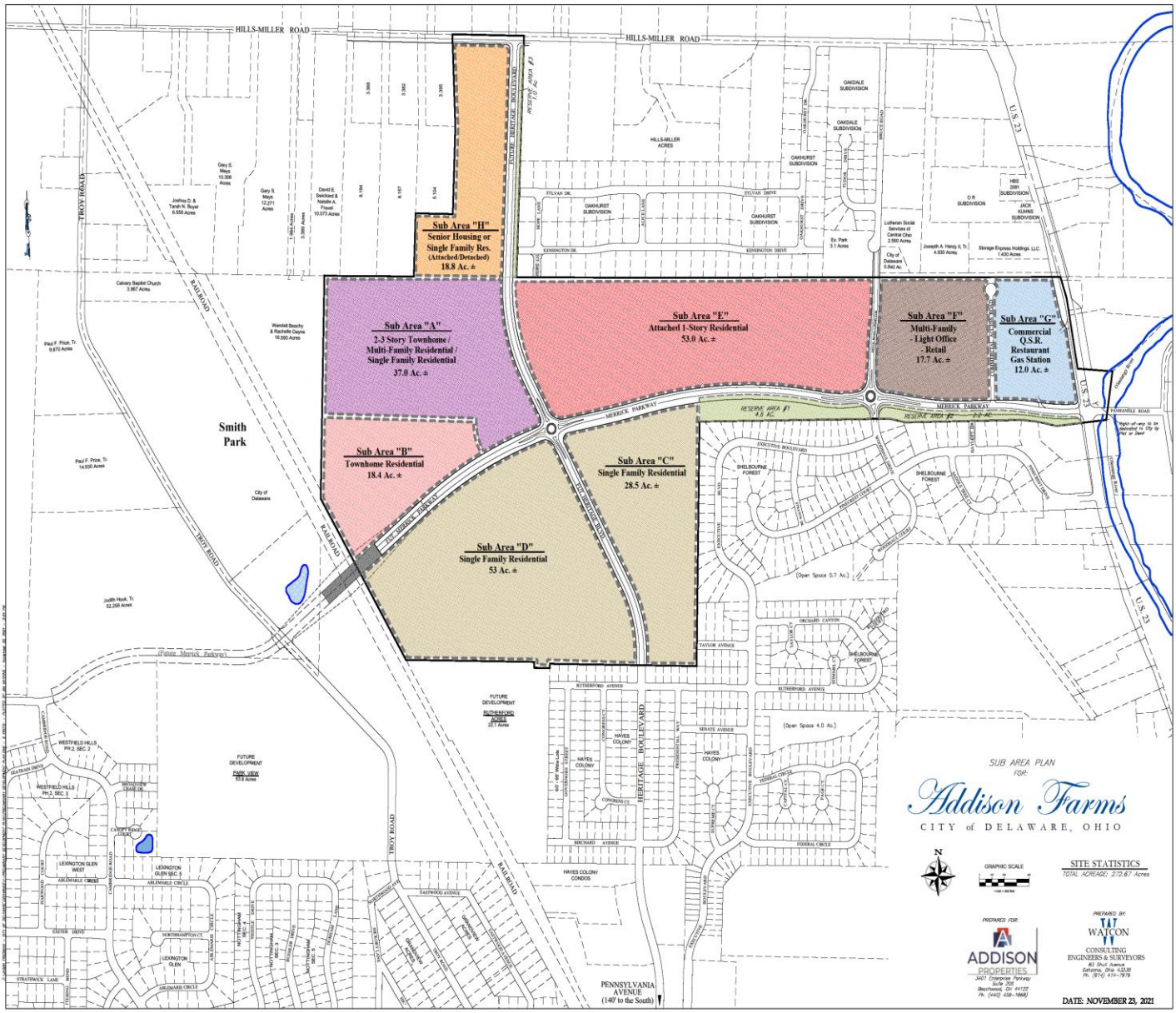
E. All apartments shall provide an identifiable entry with entry coverings and stoops being a minimum of 3 feet deep or the minimum necessary per the then-current Building Code.

F. Any garages shall be attached to the dwelling. Front elevations shall be designed to de-emphasize the visual impact of the garage. All garage doors facing a street shall be architecturally upgraded to include design elements consistent with the design of the apartment building. Front-loaded garages of apartments shall be permitted to extend closer to the street than the primary wall facing the street as shown in architectural plans.

G. Side elevations shall include multiple windows and design elements that provide visual interest.

4) SUB-AREAS

a) General. The project is separated into eight (8) main Sub-Areas to represent the distinct areas of the Development as shown on Tab 10 in the notebook.



b) Sub-Area A is the northern corner of the Property.

c) **Sub-Area B** is located in the central western portion of the Property and will be bounded on its north by Sub-Area A, on the west by the Beachy property and the CSX railroad tracks, on the south by proposed Merrick Parkway and on its east by part of Sub-Area A.

d) **Sub-Area C** is located in the south central part of the Property and will be bounded by proposed Merrick Parkway to the north, Shelbourne Forest Subdivision to the east, Hayes Colony Subdivision to the south, and proposed Heritage Boulevard extension to the west.

e) **Sub-Area D** is located in the southwest portion of the Property and will be bounded by proposed Merrick Parkway to the north, the proposed extension of Heritage Boulevard to the east, Hayes Colony Subdivision and Rutherford Acres Subdivision to the south, and the railroad tracks to the west.

f) **Sub-Area E** is located in the north central portion of the Property and is bounded by Oakdale Subdivision and Oakhurst Subdivision to the north, the proposed Bruce Road Connector to the east, the proposed Merrick Parkway to the south, and the proposed Heritage Boulevard extension to the west.

g) **Sub-Area F** is located in the Property to the immediate east of Sub-Area E and is bounded by City property, Lutheran Social Services property, the Hardy property and self-storage units to the north, Sub-Area G to the east, the proposed Merrick Parkway to the south, and the proposed Bruce Road Connector to the west.

h) **Sub-Area G** is the eastern portion of the Property and is bounded to the north by part of the self-storage facility, to the east by U.S. 23 North (except for a few acres of road right-of-way between U.S. 23 North and the Olentangy River), by proposed Merrick Parkway on the south, and by a proposed commercial access street between Sub-Area F and Sub-Area G to the west.

i) **Sub-Area H** is the Township Property and is bounded by Hills-Miller Road on the north, by a large lot fronting on Hills-Miller Road and Oakhurst Subdivision on the east, by Sub-Area A on the south, and on the west by lots in the Township fronting on Hills-Miller Road to the west.

5) SUB-AREA A – DEVELOPMENT STANDARDS

a) **Uses.** The following uses shall be considered permitted or conditionally permitted uses in Sub-Area A as represented in the chart below by P or C, respectively, and as defined within

the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a zoning amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the then-current Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit at the time of application for the specific conditional use as well as any other regulations contained within the then-current Zoning Code and applicable to the conditional use.

iii) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of land. Such items include but are not limited to fences, trash receptacles and enclosures, patios, decks, swimming pools, private garages, and off-street parking areas.

Land Use Category	**Sub-Area A Uses**
1) Residential	
a) Two (2) or three (3)-story multi-family	P
b) Single-family attached and detached dwellings	P
c) Senior housing, attached and detached	P
2) Community Facilities	
Assisted living or nursing home	P
3) Recreation/Open Space	
a) Public Parks and Playgrounds	P
b) Private Parks and Playgrounds	P

b) Number of Dwelling Units. The overall Sub-Area A density and mix of dwelling unit types shall not exceed 350 dwelling units in total, except for assisted living or nursing home

facilities. Assisted living or nursing home facilities located in Sub-Area A shall be counted by the number of beds in each facility and shall not exceed 250 beds in total.

c) Lot Standards. Lot standards for Sub-Area A shall be determined by the use based on the following:

Use	Lot Width	Lot Depth
Single-family detached	52’	125’
Single-family attached	90’	125’
Senior housing-detached	40’	100’
Senior housing-attached	75’	100’

It is assumed for two (2) or three (3)-story multi-family, assisted living or nursing home uses that Sub-Area A will be a single lot, but if not the lot standards will be set in the Sub-Area A Preliminary Development Plan.

d) Building Setback Standards. The following standards shall apply for minimum principal building setbacks, which are to be measured from the perimeter of the Sub-Area to create a perimeter setback based on the type of dwelling unit.

Minimum Building Setbacks	Sub-Area A
North setback, (a) to lots in the Township fronting on Hills-Miller Road, and (b) to Sub-Area H if its use is not the same as Sub-Area A	40’
South setback	20’
West setback	20’
East setback from Heritage Boulevard extension	35’
Setback from Merrick Parkway	35’

Architectural features may project into required yards/setbacks as permitted by Section 1149.02(e) of the Zoning Code. Buffering and tree preservation shall be as provided in the Overall Preliminary Development Plan or Sub-Area A Preliminary Development Plan.

e) Minimum Square Footage Requirements.

1. Each senior housing dwelling unit shall provide for 650 square feet minimum floor area for each efficiency/studio/one bedroom dwelling unit, exclusive of basements (unless walk-out units), unfinished attic spaces, garages, and any attached or detached accessory buildings. Each additional bedroom shall increase floor area requirements by 150 square feet. There shall be no minimum square footage requirement for rooms in assisted living facilities or in a nursing home.
2. For each single-family, attached or detached, the square feet minimum floor area, exclusive of basements (unless finished walk-out basements), unfinished attic spaces, garages, and any attached or detached accessory buildings for a single-story, single-family three (3) bedroom home shall be 1,500 square feet on a sixty-five foot (65') wide lot and 1,250 square feet on a fifty-two foot (52') wide lot, and for a two (2)-story, single-family three (3) bedroom home shall be 1,750 square feet on a sixty-five foot (65') wide lot and 1,500 square feet on a fifty-two foot (52') wide lot. Each additional bedroom shall increase the minimum floor area by 200 square feet. Each home shall have an attached two (2) or three (3) car garage on a sixty-five foot 65') wide lot and a two (2) car garage on a fifty-two foot (52') wide lot.

f) Maximum Building Height. The maximum height of a single-family attached dwelling shall be 35 feet and two or three story multi-family building shall be 45 feet, both as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

g) Parking. Parking lots within Sub-Area A shall be located as shown on the approved Sub-Area A Preliminary Development Plan . The amount of parking provided shall not be more than that shown on the Sub-Area A Preliminary Development Plan or part thereof and shall not be less than required by the then-current Zoning Code for the specific use. Parking shall conform to all requirements set forth within the then-current Zoning Code.

h) Landscaping and Screening. All landscaping and screening shall meet the requirements of the then-current Zoning Code and shall be installed by the developer of this Sub-Area A unless modified herein and shall thereafter be maintained by the Sub-Area A owners' association or the owner of Sub-Area A, as applicable.

i) A landscaped buffer shall be provided on the part of the northern boundary of Sub-Area A to buffer those lots north of Sub-Area A which front on Hills-Miller Road ("Hills-Miller Road Lots"). Existing trees on such part of the north boundary of Sub-Area A shall be preserved to the maximum extent possible. The buffer for the Hills-Miller Road Lots shall be a minimum of 20 feet wide and shall run (east to west) the length of such Hills-Miller Road Lots boundary. This buffer area shall include additional required plantings at a minimum including a staggered course (soldier course) of evergreen trees, 6 feet tall at planting. Additionally, there shall be mounding of at least 6 feet which may undulate (vary) slightly and which shall account for all required water runoff courses to ensure proper drainage. These elements shall be as shown on the Sub-Area A Preliminary Development Plan or part thereof and Sub-Area A Preliminary Landscape Plan or part thereof. This landscaping and screening requirement does not apply to the Sub-Area A boundary with Sub-Area H, which will be determined in the applicable Sub-Area Preliminary Development Plan after the uses for Sub-Area A and Sub-Area H are both known. If the use for Sub-Area H is single-family residential and the use of Sub-Area A is multi-family residential, nursing home or assisted living, the provisions hereof for the Hills-Miller Road Lots shall apply to the boundary line between Sub-Area A and Sub-Area H.

ii) There shall be a landscape buffer with 2 foot to 3 foot high mounding with landscaping adjacent to Merrick Parkway and Heritage Boulevard.

iii) There shall be street trees in accordance with Section 2 of this Development Text.

iv) A typical landscaping plan for each building or structure shall be submitted and approved with the Sub-Area A Final Development Plan or part thereof. This typical landscaping shall set forth the minimum amount of required landscaping for each building or structure at the time of construction of each building or structure prior to the issuance of a Certificate of Occupancy.

i) Streets. All streets in Sub-Area A shall be either public or private, built to public street standards as determined by the City Engineer.

j) Other Standards. Except as provided otherwise in this Development Text as to Sub-Area A, all applicable provisions of the then-current Zoning Code Chapters 1134 and 1171 shall apply based upon the specific use and/or type of facility in this Sub-Area.

6) SUB-AREA B – DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted or conditionally permitted uses in Sub-Area B as represented in the chart below by P or C, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a zoning amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit at the time of application for the specific conditional use, as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of land. Such items include but are not limited to fences, trash receptacles and enclosures, patios, decks, swimming pools, private garages, and off-street parking areas.

Land Use Category	**Sub-Area B Uses as noted**
1) Residential	
Single-family attached dwelling, 2 stories	P
2) Recreation/Open Space	
a) Public Parks and Playgrounds	P
b) Noncommercial recreation facility (including condominium association controlled facilities)	P

b) Density and Number of Dwelling Units. The Sub-Area B density shall not exceed 133 units, as approved on the Infrastructure and Overall Preliminary Development Plan or the Sub-Area B Preliminary Development Plan.

c) Lot Standards. The following standards shall apply for lot standards and coverage.

Lot Standards	**Sub-Area B**
Minimum lot area	As approved on the Sub-Area B Final Development Plan and consistent with the Sub-Area B Preliminary Development Plan
Minimum lot width and frontage*	As approved on the Sub-Area B Final Development Plan and consistent with the Sub-Area B Preliminary Development Plan
Maximum building coverage	As approved on the Sub-Area B Final Development Plan and consistent with the Sub-Area B Preliminary Development Plan
Maximum lot coverage**	As approved on the Sub-Area B Final Development Plan and consistent with the Sub-Area B Preliminary Development Plan

i) *Lot frontage requirement may be met by providing the minimum frontage along private streets or cross access easements connecting to public streets.

ii) **Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area B and converted to a percentage.

d) Building Setback Standards. The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed 5 feet.

Minimum Building Setbacks	**Sub-Area B**
Setback from Merrick Parkway	35 ft., or as approved on the Sub-Area B Final Development Plan and consistent with the Sub-Area B Preliminary Development Plan
Perimeter rear setback	20 ft., or as approved on the Sub-Are B Final Development Plan and

	consistent with the Sub-Area B Preliminary Development Plan

Architectural features may project into required yards/setbacks as permitted by Section 1149.02(e) of the Zoning Code.

e) Parking Setbacks. The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks	**Sub-Area B**
Setback from Merrick Parkway	35 ft.
Setback from any private access drive or street	0 ft.
Setback from interior property lines	As approved on the Sub-Area B Final Development Plan
Other setbacks	As approved on the Sub-Area B Final Development Plan

f) Minimum Square Footage Requirements. Attached townhomes square footage requirement is 1,200 square feet, with not less than two (2) bedrooms. Each additional bedroom beyond two (2) bedrooms shall increase floor area requirements by 200 square feet.

g) Maximum Building Height. The maximum height of any building or structure shall be 35 feet as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof.

h) Landscaping and Screening. All landscaping and screening shall meet the requirements of the then-current Zoning Code and shall be installed by the developer of this Sub-Area B unless modified in this Development Text or the Infrastructure and Overall Final Development Plan or a Sub-Area Final Development Plan and shall thereafter be maintained by the owner of Sub-Area B.

i) Along proposed Merrick Parkway a multi-use path and green space shall be provided as shown on the Overall Preliminary Development Plan. Along Merrick Parkway there shall be a 2 foot to 3 foot high mound, with landscaping, along Merrick Parkway, matching the mounding, with landscaping, in Sub-Area A along Merrick Parkway and Heritage

Boulevard. Mounding, trees and landscaping may be in the road right-of-way of Merrick Parkway. Extensive additional landscaping shall be included if and as approved on the Sub-Area B Final Development Plan.

ii) An open area and storm water retention pond shall be located on the southeast portion of Sub-Area B as shown on the Overall Preliminary Development Plan. The pond shall have at least one functioning fountain. There will be 2 foot to 3 foot mounding and landscaping, and there may be safety devices between the pond and the Heritage Boulevard extension and proposed Merrick Parkway as required by the City Engineer.

iii) In both Open Space A and Open Space B there shall be benches or other amenities. There shall be buffering and/or tree preservation zone/area along the railroad tracks as provided in the Sub-Area B Preliminary Development Plan.

i) Other Standards. Except as otherwise provided in this Development Text or in the Sub-Area B Preliminary Development Plan, all applicable provisions of the then-current Zoning Code's Chapters 1134 and 1171 shall apply.

7) SUB-AREA C – DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted or conditionally permitted uses in Sub-Area C as represented in the chart below by P or C, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of the land. Such items include but are not limited to fences, trash receptacles

and enclosures, patios, decks, swimming pools, private garages, and off-street parking areas.

Land Use Category	Sub-Area C
1) Residential	
a) Single-family detached dwelling/home	P
b) Bed and Breakfast	C
2) Recreation/Open Space	
a) Public Parks and Playgrounds	P
b) Private Parks and Playgrounds	P

b) Acreage and Density. The overall Sub-Area C mix of dwelling unit types and sizes shall not exceed seventy-six (76) dwelling units in total .

c) Lot Standards. The lots are a minimum of sixty-five feet (65') in width and a minimum of one hundred twenty-five feet (125') in depth except for sixteen (16) lots which have a minimum of fifty-two feet (52') in width and a minimum of one hundred twenty-five feet (125') in depth. Lots which abut to their rear the rear of a lot in Shelbourne Forest Subdivision shall be at the street the same width as the abutting lot in Shelbourne Forest Subdivision and shall, except where the abutting lot in Shelbourne Forest Subdivision is at the lot's rear lot line greater in width than 65 feet due to the curve in Executive Boulevard, have matching side lot lines.

d) Setback Standards. The following standards shall apply for minimum principal building setbacks from the applicable lot line.

Minimum Building Setbacks	Sub-Area C
Front setback	25'
Rear setback	30'
Side setback	5' on 52' wide lot and 8' on 65' wide lot

Architectural features may project into required yards/setbacks as permitted by Section 1149.02(e) of the Zoning Code.

e) Minimum Square Footage and Garage Requirements. The square feet minimum floor area, exclusive of basements (unless finished walk-out basements), unfinished attic spaces, garages, and any attached or detached accessory buildings for a single-story, single-family three (3) bedroom home shall be 1,500 square feet and for a two (2)-story, single-family three (3) bedroom home shall be 1,700 square feet. Each additional bedroom shall increase the minimum floor area by 200 square feet. Each home shall have an attached two (2) or three (3) car garage.

f) Maximum Building Height. The maximum height of any home shall be 35 feet as measured from the average elevation of the finished grade at the front of the home to the highest point of the roof.

g) Parking Standards. Each home shall have a 2-car or larger garage and parking in the home's driveway for at least two (2) cars.

h) Landscaping and Screening. All landscaping and screening shall be installed by the developer of this Sub-Area C and shall meet the requirements of the then-current Zoning Code unless modified in this Development Text by Section 2. j) and this Section 7. h) and thereafter maintained by the Sub-Area C owners' association. Open Space J shall have a gravel or stone path from the Taylor Avenue turnaround to Heritage Boulevard, and a playground area with multi-use path from Executive Boulevard to Street B. A typical landscaping plan shall be submitted and approved with the Sub-Area C Final Development Plan. This typical landscaping plan shall set forth the minimum amount of required landscaping for each single-family home at the time of building of each home prior to the issuance of a Certificate of Occupancy. There shall be 2 foot to 3 foot mounding with landscaping along Heritage Boulevard between Merrick Parkway and Street A.

i) Other Standards. Except as otherwise provided in this Development Text or in the Sub-Area C Preliminary Development Plan, all applicable provisions of the then-current Zoning Code's Chapters 1134 and 1171 shall apply.

8) SUB-AREA D – DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted or conditionally permitted uses in Sub-Area D as represented in the chart below by P or C, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all applicable development standards specified within this Development Text and the Zoning Code.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of the land. Such items include but are not limited to fences, trash receptacles and enclosures, patios, decks, swimming pools, private garages, and off-street parking areas.

Land Use Category	**Sub-Area D**
1) Residential	
a) Single-family detached dwelling/home	P
b) Bed and Breakfast	C
2) Recreation/Open Space	
a) Public Parks and Playgrounds	P
b) Private Parks and Playgrounds	P

b) Acreage and Density. The overall Sub-Area D density and mix of dwelling unit types and sizes shall not exceed one hundred eighty (180) dwelling units in total.

c) Lot Standards. The lots are a mixture of (i) minimum of sixty-five feet (65') in width and a minimum of one hundred twenty-five feet (125') in depth and (ii) minimum of fifty-two feet (52') in width and a minimum of one hundred twenty feet (120') in depth as shown on the Overall Preliminary Development Plan. When the rear of a lot in Sub-Area D abuts to the rear of a lot in Hayes Colony Subdivision, the lot lines of such lot shall be as shown on the Overall Preliminary Development Plan.

d) Setback Standards. The following standards shall apply for minimum principal building setbacks from the applicable lot line.

Minimum Building Setbacks	**Sub-Area D**
Front setback	25'
Rear setback	30'
Side setback (52 foot wide lots) Side setback (65 foot wide lots)	5' 8'

Architectural features may project into required yards/setbacks as permitted by Section 1149.02(e) of the Zoning Code.

f) **Minimum Square Footage and Garage Requirements.** The square feet minimum floor area, exclusive of basements (unless finished walk-out basements), unfinished attic spaces, garages, and any attached or detached accessory buildings for a single-story, single-family three (3) bedroom home shall be 1,500 square feet on a sixty-five foot (65') wide lot and 1,250 square feet on a fifty-two foot (52') wide lot, and for a two (2)-story, single-family three (3) bedroom home shall be 1,750 square feet on a sixty-five foot (65') wide lot and 1,500 square feet on a fifty-two foot (52') wide lot. Each additional bedroom shall increase the minimum floor area by 200 square feet. Each home shall have an attached two (2) or three (3) car garage on a sixty-five foot (65') wide lot and a two (2) car garage on a fifty-two foot (52') wide lot.

g) **Maximum Building Height.** The maximum height of any single-family home shall be 35 feet as measured from the average elevation of the finished grade at the front of the home to the highest point of the roof.

h) **Parking Standards.** Each home shall have a 2-car garage or larger and have parking in the home's driveway for at least two (2) cars. There will be on-street parking as may be provided in the Zoning Code or in the Sub-Area D Final Development Plan, as approved by the City Engineer.

i) **Landscaping and Screening.** All landscaping and screening shall be installed by the developer of Sub-Area D and shall meet the requirements of the then-current Zoning Code unless modified in this Development Text by Section 2. j) and this Section 8. h) and thereafter shall be maintained by the Sub-Area D homeowners' association. In Open Space L, Open Space M and Open Space N there shall be benches or other amenities. Open Space L shall have no amenities and be passive open space. A typical landscaping plan shall be submitted and approved with the Sub-Area D Final Development Plan. This typical landscaping plan shall set forth the minimum amount of required landscaping for each single-family home at the time of building of each home prior to the issuance of a Certificate of Occupancy. There shall be 2 foot to 3 foot mounding with landscaping along Heritage Boulevard between Merrick Parkway and Street D. Tree preservation zones/areas for existing trees shall be established (a) adjacent to the west boundary of Sub-Area D along the railroad tracks and (b) adjacent to the Hayes Colony subdivision.

i) **Other Standards.** Except as otherwise provided in this Development Text or in the Sub-Area D Preliminary Development Plan, all applicable provisions of the then-current Zoning Code's Chapters 1134 and 1171 shall apply.

9) SUB-AREA E – DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted or conditionally permitted uses in Sub-Area E as represented in the chart below by P or C, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of the land. Such items include but are not limited to fences, trash receptacles and enclosures, patios, decks, swimming pools, private garages, and off-street parking areas.

Land Use Category	**Sub-Area E Uses**
1) Residential	
Multi-family attached dwellings	P
2) Recreation/Open Space	
a) Public Parks and Playgrounds	P
b) Private Parks and Playgrounds	P

b) Dwelling Unit Density. The overall Sub-Area E density shall not exceed three hundred fifteen (315) apartment units in total.

c) Lot Standards. Sub-Area E shall be a single lot or a single lot for each phase of Sub-Area E's development and provisions of the Zoning Code for a lot shall not apply to Sub-Area E.

d) Building and Parking Setback Standards. The following standards shall apply for minimum principal building setbacks, which are to be measured from the perimeter of the Sub-Area to create a perimeter setback.

Minimum Building Setbacks	**Sub-Area E**

North setback with buffer of mounding, with trees and landscaping	60’
South setback from Merrick Parkway, with trees and landscaping and 2 foot to 3 foot mounding, which may be in the right-of-way as may be provided in the Sub-Area E Final Development Plan	35’
West setback from Heritage Boulevard extension, with trees and landscaping	25’
East setback from Bruce Road Connector, with trees and landscaping	25’

Minimum Parking Setback	**Sub-Area E**
North setback	60’
South setback	35’
West setback	25’
East setback	25’

e) Minimum Square Footage Requirements and Apartment Unit Information. Each multi-family unit shall provide a minimum of 1,250 square feet floor area, exclusive of unfinished attic space and garages. The units will range in size from 1,250 square feet to 1,750 square feet. All units will be single-story, handicap accessible, two-bedroom, two-bath, two-car attached garage with outdoor patio and extensive landscaping.

f) Buildings. The single-story buildings will have from three (3) to eight (8) apartment units with five (5) design styles of unit configurations. Except as may be otherwise provided in the Sub-Area E Preliminary Development Plan, the provisions of Section 3. b) shall apply. Architectural features include Vinyl Higher End siding with natural or cultured limestone veneer or brick wainscoting, pitched roofs, gables, cupolas, dormers, decorative garage doors, asphalt shingles, split shake vinyl siding on some gables, decorative louver, single hung windows with colonial pattern flat grids, and color sequences to differentiate each building. There shall be submitted final development plans to staff for building permits that should include specific architectural elevations identifying building materials for each specific unit, the color pallet and the proposed mix of the units to assure a compatible Sub-

Area development will be achieved. Dormers, cupolas, gables and other architectural features will be used to provide variety in building appearance.

g) Maximum Building Height. The maximum height of any residential building or structure shall be twenty-five feet (25') as measured from the average elevation of the finished grade at the front of the building to the highest point of the roof. No residential building or structure shall be more than one (1) story in height.

h) Streets and Parking. The streets will be private built to public standards and constructed of concrete with integrated four foot (4') sidewalk on one side at the same level as the street and driveway approach (for handicap accessibility), a total of street and sidewalk thirty feet (30') in width, with the sidewalk differentiated from the street by the use of stained concrete for the sidewalk, as approved by the City. For handicap accessibility reasons there will be no on-street parking. For each apartment unit there will be two (2) parking spaces in the garage and two (2) parking spaces in the driveway. There will be porch lights and/or garage carriage lights and such street lighting as provided in the Sub-Area E Preliminary Development Plan.

i) Landscaping and Screening. All landscaping and screening shall meet the requirements of the then-current Zoning Code unless modified in this Development Text or the Sub-Area E Preliminary Development Plan.

i) A landscaped buffer sixty feet (60') in width, preserving as many existing trees as possible while installing a mound with evergreen trees, shall be provided on the northern boundary of Sub-Area E to buffer existing homes in the Oakhurst Subdivision. Plantings at a minimum shall include a staggered course (soldier course) of evergreen with trees at least six feet (6') tall at time of planting. The mounding shall be continuous and at least eight (8) feet high and shall account for all required water runoff courses to ensure proper drainage without compromising the sixty (60) foot buffer. These elements shall be shown on the Sub-Area E Preliminary Development Plan and Sub-Area E Preliminary Landscape Plan. These elements shall be installed prior to or concurrent with the first construction in Sub-Area E.

ii) There shall be 2 foot to 3 foot high mounding, with landscaping, along Heritage Boulevard, Merrick Parkway and the Bruce Road Connector, which mounding may in

areas be in the road right-of-way if so provided in the Sub-Area E Preliminary Development Plan.

iii) A typical landscaping plan for each building shall be submitted and approved with the Sub-Area E Final Development Plan . This typical landscaping plan shall set forth the minimum amount of required landscaping for each building at the time of construction of each building prior to the issuance of a Certificate of Occupancy.

iv) With the Sub-Area E Final Development Plan there will be an Open Space Landscape Plan with walking paths, benches and similar amenities and trees and landscaping.

j) Building Setbacks and Separation. The front of the buildings will be located not less than twenty-one feet (21') from the edge of sidewalk (or street if no sidewalk on that side of the street) and with a two-car driveway not less than twenty-one feet (21') in length. The rear of the buildings will be not less than twenty feet (20') from the Sub-Area lot line, another building, or a pond.

k) Other Standards. The standards in Chapters 1134 and 1171 of the then-current Zoning Code shall be applicable to Sub-Area E except where different standards are set forth in this Development Text and/or the Sub-Area E Preliminary Development Plan.

10) SUB-AREA F –DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted, conditionally permitted, or limited uses in Sub-Area F as represented in the chart below by P, C, or L, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this Development Text or the Sub-Area F Final Development Plan .

iv) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	**Sub-Area F Uses**
1) Office and Professional Services	
a) Offices – administrative, business and professional	P
b) Financial institutions, banks	P
c) Medical and dental offices, health and allied services	P
2) Retail and Services	
a) Retail and service establishments with a minimum gross floor area of 80,000 square feet or greater	L
b) Retail and service establishments in completely enclosed buildings with a minimum gross floor area of less than 80,000 square feet.	P
c) Restaurant – table service	P
d) Restaurant – counter service	P
e) Veterinary office (no outside run or outside kennel)	L
f) Veterinary hospital (no outside run or outside kennel)	L
3) Automotive and Transportation	
a) Gasoline station (passenger vehicle refueling only) with or without convenience store, restaurant or car wash	L
b) Stand-Alone ATM Facility	L
c) Drive-through facility associated with any principal permitted use	L

Land Use Category	Sub-Area F Uses
4) Outdoor Display/Storage*	
a) Outdoor display	L
b) Outdoor storage	L
c) Garden Center	L
5) Community Facilities	
a) Schools, trade, business or cultural arts	C
b) Public cultural institutions and art galleries	P
c) Day care center, child/adult	C
d) Public safety and service facility	P
e) Public Parks and Playgrounds	P
f) Public utility substation or distribution facility	L
6) Recreation and Entertainment	
a) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center)	L
b) Public parks and playgrounds	P
c) Health club	P
7) Accessory Uses	
a) Outdoor Patio as accessory to a restaurant	L
8) Apartments	
a) Multi-family residential, 2, 3 or 4-story	C

*Self-storage facilities are not permitted.

b) Specific Standards for Limited Uses. Any use listed as a limited use shall meet all requirements of the then-current Zoning Code unless otherwise exempted or modified in this Section which shall take precedence in all cases as determined through the Sub-Area F Final Development Plan approval process. If any of the requirements set forth in this Development Text or the then-current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

Notwithstanding anything to the contrary in this Development Text or otherwise there shall not be more than one (1) gasoline station in the entire Development.

i) **Retail or Service Establishment with a Minimum Gross Floor Area of 80,000 Square Feet or Greater.** Unless modified within this Development Text all requirements of Chapter 1148 and as noted in that Chapter as regulations for uses over 100,000 square feet (aka Big Box uses) shall be applied herein to uses greater than 80,000 square feet.

ii) **Veterinary Office (with no outside run or outside kennel) and Veterinary Hospital (with no outside run or outside kennel).** Such uses shall meet all requirements of the then-current Zoning Code and be limited to household pets, with no on-site services to livestock, goats, equine, and other non-domesticated animals prohibited.

iii) **Gasoline Station (with or without convenience store).** This use is only permitted (and therefore is limited) to be an accessory use (not a stand-alone use) to retail or service establishments with a minimum gross floor area over 80,000 square feet (aka 'Big Box' uses). The Gasoline Station shall be designed in a manner to minimize its appearance from any public roadway. Within this Sub-Area F a Gasoline Station is only allowed within a parking lot area as shown on the Sub-Area F Preliminary Development Plan and only when an approved and actively used 'Big Box' user is present on the site that eithers owns or has a business relationship with the Gasoline Station. Only passenger vehicle fueling shall be allowed. Such use shall meet all requirements of the then-current Zoning Code and be designed in a manner that substantially limits the view of fueling pumps from the public right-of-way. Any canopy or weather cover associated with the Gasoline Station shall be designed in manner that is substantially similar with the overall development of Sub-Area F and its principal building(s), and shall not include exposed metal support columns. Canopies shall be of neutral color and include a pitched roof. Signs shall only be allowed in accordance with an approved comprehensive sign plan. A single limited area for outdoor storage areas shall be delineated on the Final Development Plan for Sub-Area F. Any accessory appurtenances such as propane, ice, etc. shall be located on the side of the building away from the public way and shall be screened with landscaping and/or walls made of materials of similar type and quality to the primary building. Lights shall be fully recessed and cut off. No more than one gas station (with or without convenience store) is permitted in Sub-Area F or in the Development.

iv) **Stand-Alone ATM Facility.** A stand-alone ATM facility is only permitted (and therefore is limited) to an accessory use to retail or service establishments with a minimum gross floor area over 80,000 square feet (aka 'Big Box' uses). Such use shall not be located along any public right-of-way. The use shall be located in a manner that does not unreasonably disrupt traffic or pedestrian circulation. The structure housing the ATM shall be designed and landscaped in a manner consistent with the overall development design of Sub-Area F so as to minimize its presence.

v) **Drive-through Facility Associated with any Principal Permitted Use.** A drive-through facility is only permitted (and therefore is limited) to an accessory use. A covered pick-up area may be permitted in the front of the principal building. Any canopy or weather cover associated with the drive-through facility shall be designed in a manner that is substantially similar with the overall development of Sub-Area F and the principal buildings in Sub-Area F, and shall not include exposed metal support columns.

vi) **Car Wash.** This use is only permitted (and therefore is limited) to an accessory use to retail or service establishments with a minimum gross floor area over 80,000 square feet (aka 'Big Box' uses) which has an associated Gasoline Station. The car wash shall be designed and located to be integrated with such Gasoline Station. Such use shall meet all requirements of the then-current Zoning Code and be located to the side or rear (opposite the public right-of-way) of the principal building. The car wash, whether detached or attached to the principal building, shall be designed in a manner that is substantially similar with the overall development of Sub-Area F.

vii) **Outdoor Storage and Outdoor Display.** The following standards shall apply for outdoor storage and outdoor display.

(1) Permanent outdoor storage and outdoor display in any parking area in front of a building is prohibited.

(2) Outdoor display of seasonal merchandise is permitted in the walkway area in front of and to the side of the building in limited areas defined on the Final Development Plan for Sub-Area F provided a minimum pedestrian walkway of five feet (5') in width is maintained between the front of the building and parking spaces or drive aisle. In no case shall such area exceed 500 square feet separately or in total. Such areas shall be limited to seasonal for sale merchandise such as lawnmowers, grills,

sheds, snow blowers, and other items. In no case shall any vending machines, ice boxes, palletized items, bulk material, or other similar items be permitted in such outdoor display areas. Additionally, no items may be mounted to the side of the building and display heights shall not exceed six feet (6') in height.

(3) Outdoor storage of palettes, appliances to be recycled, or other items that are not for sale is permitted only at the rear of the principal building provided the outdoor storage area is limited to an area defined on the Final Development Plan for Sub-Area F, is demarcated in a manner that adequately contains the item(s) to be stored, and is completely screened from view of any public right-of-way or private access drive with mounding and/or landscaping providing year round 100% opacity.

(4) No self-storage facilities are allowed.

viii) **Garden Center.** This use is only permitted (and therefore is limited) to an accessory use to retail or service establishments with a minimum gross floor area over 80,000 square feet (aka 'Big Box' uses). Garden Centers are structures which are attached to the principal building and enclosed on four sides for the purposes of displaying garden related items, vegetation, bulk materials, or other items. Such structures shall be substantially similar in design with the overall development of Sub-Area F including being fully integrated into the principal building design. The enclosures shall be designed in a manner that substantially limits the view of any item within the Garden Center. In no case shall any item contained within the Garden Center extend above the height of the enclosure.

ix) **Public Utility Substation or Distribution Facility.** Such use shall meet all requirements of the then-current Zoning Code and shall be landscaped to block all public view of the substation or facility.

x) **Indoor Recreation and Amusement.** These uses shall obtain a Conditional Use Permit prior to being allowed and must follow the Conditional Use Permit processes and procedures.

xi) **Outdoor Patios.** Patios shall be permitted in Sub-Area F only accessory to a restaurant, and any such patio shall not have an outdoor sound system (amplified or acoustic) or permit outdoor entertainment.

c) Lot Standards. The following standards shall apply for lot standards and coverage.

Lot Standards	Sub-Area F
Minimum lot area	As approved on Final Development Plan – Sub-Area F
Minimum lot width and frontage*	As approved on Final Development Plan – Sub-Area F
Maximum building coverage	As approved on Final Development Plan – Sub-Area F
Maximum lot coverage**	As approved on Final Development Plan – Sub-Area F

i) *Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

ii) **Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area F and converted to a percentage.

d) Building Setback Standards. The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed five feet (5').

Minimum Building Setbacks	Sub-Area F
Setback from north boundary of Sub-Area F	20 ft.
Setback from proposed Bruce Road Connector, with mounding, trees and landscaping	60 ft.
Setback from commercial access road, with mounding, trees and landscaping	60 ft.
Setback from Merrick Parkway, with mounding, trees and landscaping	100 ft.

e) Parking Setbacks. The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks	Sub-Area F
Setback from north boundary of Sub-Area F	20 ft.
Setback from internal collector roads	20 ft.
Setback from any private access drive or street	20 ft.
Setback from interior property lines	40 ft.
Setback from Merrick Parkway	40 ft.

f) Maximum Building Height. The maximum height of any building or structure shall be fifty feet (50') as measured from finished floor elevation to the highest point of the roof.

g) Landscaping and Screening. All landscaping and screening shall meet the requirements of the Zoning Code and Section 2 of this Development Text. There shall be 2 foot to 3 foot high mounding, with landscaping, along Merrick Parkway, which mounding may in areas be in the road right-of-way if so provided in this Sub-Area's Preliminary Development Plan. A tree preservation zone/area shall be established adjacent to the streambed as shall be provided in the Sub-Area F Preliminary Development Plan.

h) Other Standards. Lot line standards shall be as approved in the Sub-Area F Final Development Plan. Except as otherwise provided in this Development Text or in the Sub-Area F Preliminary Development Plan , all applicable provisions of Chapters 1134, 1143 and 1171 of the then-current Zoning Code shall apply.

11) SUB-AREA G –DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted, conditionally permitted, or limited uses in Sub-Area G as represented in the chart below by P, C, or L, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a Zoning Amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit current at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Limited Uses.** Limited uses shall be considered permitted uses subject to complying with all the specific limitations and restrictions as specified within this Development Text as determined by the Sub-Area G Final Development Plan approval.

iv) **Accessory Uses and Structures.** Although not specified in the chart below, accessory uses, which are considered allowed uses, include those items that are customarily incidental and secondary to the principal use of the land. Such items include but are not limited to signs, fences, trash receptacles and enclosures, and off-street parking areas. If the uses are specified as conditional or limited uses the processes and limitations shall apply regardless of accessory use status.

Land Use Category	Sub-Area G Uses
1) Office and Professional Services	
a) Offices – administrative, business and professional	P
b) Financial institutions, banks	P
c) Medical and dental offices, health and allied services	P
2) Retail and Services	
a) Restaurant – table service	P
b) Restaurant – counter service	P
c) Retail and service establishments in completely enclosed buildings under 80,000 square feet	P
d) Veterinary office (no outside run or outside kennel)	L
e) Veterinary hospital (no outside run or outside kennel)	L
3) Automotive and Transportation	
a) Gasoline station (passenger vehicle refueling only) with or without convenience store or restaurant	P

Land Use Category	Sub-Area G Uses
b) Stand-Alone ATM Facility	L
c) Drive-through facility associated with any principal permitted, limited, or conditionally permitted use	L
d) Car wash	C
4) Outdoor Display/Storage*	
a) Outdoor display	L
b) Outdoor storage	L
5) Community Facilities	
a) Schools, trade, business or cultural arts	C
b) Public cultural institutions and art galleries	P
c) Day care center, child/adult	P
d) Public safety and service facility	P
e) Public Parks and Playgrounds	P
f) Public utility substation or distribution facility	L
6) Recreation and Entertainment	
a) Indoor recreation and amusement (such as indoor theater, bowling alley, arcade, billboard parlor, assembly hall and party center)	L
b) Public parks and playgrounds	P
c) Health club	P
7) Accessory Uses	
a) Outdoor Patio as accessory to a restaurant	L

*Self-storage facilities are not permitted.

b) Specific Standards for Limited Uses. Any use listed as a limited use shall meet all requirements of the Zoning Code unless otherwise exempted or modified in this Section, which shall take precedence in all cases, as determined through the final development plan approval process. If any of the requirements set forth in this Development Text or the then-current Zoning Code are not met, the use shall be considered a Conditional Use and a Conditional Use Permit must be approved as set forth in the Zoning Code.

i) **Veterinary Office (with no outside run or outside kennel) and Veterinary Hospital (with no outside run or outside kennel).** Such uses shall meet all requirements of the then-current Zoning Code and be limited to household pets; on-site services to livestock, goats, equine, and other non-domesticated animals are prohibited.

ii) **Gasoline Station (with or without convenience store and with or without restaurant).** This use is permitted. Such use shall meet all requirements of the then-current Zoning Code. Any canopy or weather cover associated with the Gasoline Station shall be designed in manner that is substantially similar with the overall development of Sub-Area G and shall not include exposed metal support columns. No more than one gas station (with or without convenience store and with or without restaurant) is permitted in Sub-Area G or in the Development.

iii) **Stand-Alone ATM Facility.** A stand-alone ATM facility shall not be located along any public right-of-way and shall be limited to areas interior to Sub-Area G. The use shall be located in a manner that does not unreasonably disrupt traffic or pedestrian circulation. The structure housing the ATM shall be designed and landscaped in a manner consistent with the overall designs in Sub-Area G and so as to minimize its presence.

iv) **Drive-through Facility Associated with any Principal Permitted, Limited, or Conditionally Permitted Use.** A drive-through facility shall meet all requirements of the then-current Zoning Code and be located to the side or rear (opposite the public right-of-way) of the principal building. A covered pick-up area may be permitted in the front of the principal building. Any canopy or weather cover associated with the drive-through facility shall be designed in a manner that is substantially similar with the overall development of Sub-Area G and the principal building, and shall not include exposed metal support columns.

v) **Car Wash.** Such use shall meet all requirements of the then-current Zoning Code. The building, whether detached or attached to the Gasoline Station, shall be designed in a manner that is substantially similar with the overall development of Sub-Area G.

vi) **Outdoor Storage and Outdoor Display.** The following standards shall apply for outdoor storage and outdoor display.

(1) Permanent outdoor storage and outdoor display in any parking area in front of a building is prohibited.

(2) Outdoor display of seasonal merchandise is permitted in the walkway area in front of and to the side of the building in limited areas defined on the Final Development Plan for Sub-Area G provided a minimum pedestrian walkway of five feet (5') in width is maintained between the front of the building and parking spaces or drive aisle. In no case shall such area exceed 500 square feet separately or in total. Such areas shall be limited to seasonal for sale merchandise such as lawnmowers, grills, sheds, snow blowers, and other items. In no case shall any vending machines, ice boxes, palletized items, bulk material, or other similar items be permitted in such outdoor display areas. Additionally, no items may be mounted to the side of the building and display heights shall not exceed six feet (6') in height.

(3) Outdoor storage of palettes, appliances to be recycled, or other items that are not for sale is permitted only at the rear of the principal building provided the outdoor storage area is limited to an area defined on the Final Development Plan for Sub-Area G, is demarcated in a manner that adequately contains the item(s) to be stored, and is completely screened from view of any public right-of-way or private access drive with mounding and/or landscaping providing year round 100% opacity.

(4) No self-storage facilities are allowed.

vii) **Public Utility Substation or Distribution Facility.** Such use shall meet all requirements of the then-current Zoning Code and shall be landscaped to block all public views.

viii) **Indoor Recreation and amusement.** These uses shall obtain a Conditional Use Permit prior to being allowed and must follow the Conditional Use Permit processes and procedures.

ix) **Outdoor Patios.** Patios shall be permitted within Sub-Area G, and any such patio shall not have an outdoor sound system (amplified or acoustic) or permit outdoor entertainment.

c) Building Design.

i) Building design and materials shall be of the highest quality in accordance with Section 3, c) of this Development Text as approved on the Sub-Area G Final Development Plan.

ii) Buildings shall be oriented to a public street.

iii) Split-faced concrete block, painted standard concrete block (CMU), tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials.

iv) EIFS, Dryvit, stucco, or similar products are prohibited as an exterior material.

v) Accessory structures such as enclosures for dumpsters, refrigeration and freezing units, and other similar structures shall consist of brick and stone or similar approved materials as the exterior material. Any accessory structure shall be designed to be consistent and cohesive with the principal building it serves and shall have metal or wood doors painted or stained in color to match the color scheme of the principal building to minimize the appearance of the accessory structure.

vi) Rooftop mechanical equipment shall be screened from public view from all sides of the building through the use of parapets, equipment screens, or other screening measures as deemed appropriate.

d) Lot Standards. Sub-Area G may be further divided into smaller lots but in no case shall the lot area of an individual lot fall under the required minimum amount noted hereinbelow. After the recording of any Final Subdivision Plat for this Sub-Area G, Administrative (minor) lot splits are allowable if they are in conformance with this Development Text and all applicable Zoning Code regulations. The following standards shall apply for lot standards and coverage.

Lot Standards	**Sub-Area G**
Minimum lot area	As approved on the Sub-Area G Final Development Plan
Minimum lot width and frontage*	As approved on the Sub-Area G Final Development Plan
Maximum building coverage	As approved on the Sub-Area G Final Development Plan
Maximum lot coverage**	As approved on the Sub-Area G Final Development Plan

i) *Lot frontage requirement may be met by providing the minimum frontage along cross access easements connecting to public streets.

ii) **Lot coverage shall be determined by calculating the total area of any impervious surface divided by the area of Sub-Area G and converted to a percentage.

e) Building Setback Standards. The following standards shall apply for minimum building setbacks. Decorative architectural elements such as canopies and overhangs shall be permitted to encroach into any setback provided that no encroachment shall exceed five feet (5').

Minimum Building Setbacks	Sub-Area G
Setback from U.S. 23 North	40 ft.
Setback from commercial access road	40 ft.
Setback from Merrick Parkway	40 ft.
Setback from north boundary line of Sub-Area G	20 ft.

f) Parking Setbacks. The following standards shall apply for minimum parking setbacks. Parking setbacks include any parking space, parking lot drive aisle, and parking lot circulation aisle.

Minimum Parking Setbacks	Sub-Area G
Setback from U.S. 23 North	15 ft.
Setback from any commercial access road	10 ft.
Setback from north boundary of Sub-Area G	10 ft.
Setback from Merrick Parkway	20 ft.

g) Maximum Building Height. The maximum height of any building or structure shall be fifty feet (50') as measured from finished floor elevation to the highest point of the roof.

h) Landscaping and Screening. The twenty feet (20') in width of the existing tree line located along the northern edge of Sub-Area G shall be preserved to the maximum extent possible. In areas where Sub-Area G may be visible from adjacent off-site residential uses, additional landscaping and buffering may be required as approved on the Sub-Area G Final Development Plan . There shall be a 2 foot to 3 foot mound with landscaping along Merrick Parkway and U.S. 23. A tree preservation zone/area shall be established adjacent to the streambed as shall be provided in the Sub-Area G Preliminary Development Plan.

i) Other Standards. Except as otherwise provided in this Development Text or in the Preliminary Development Plan as to this Sub-Area G, all applicable provisions of Chapters 1143 and 1171 of the then-current Zoning Code as to the B-4 zoning district shall apply.

12) SUB-AREA H – DEVELOPMENT STANDARDS

a) Uses. The following uses shall be considered permitted or conditionally permitted uses in Sub-Area H as represented in the chart below by P or C, respectively, and as defined within the Zoning Code. Any use not listed in the chart shall be considered a prohibited use unless amended by action of the Planning Commission and City Council through a zoning amendment process.

i) **Permitted Uses.** Permitted uses are permitted by right and shall meet all development standards specified within this Development Text and the Zoning Code, as applicable.

ii) **Conditionally Permitted Uses.** In addition to all standards specified within this Development Text, uses listed as conditionally permitted uses shall meet all the then-current Zoning Code standards for approval of a Conditional Use Permit at the time of application for the specific conditional use as well as any other regulations contained within the Zoning Code and applicable to the conditional use.

iii) **Accessory Uses.** Although not specified in the chart below, accessory uses, which are considered permitted uses, include those items that are accessory and necessary to the principal use of the land. Such items include but are not limited to fences, trash receptacles and enclosures, patios, decks, swimming pools, private garages, and off-street parking areas.

Land Use Category	**Sub-Area H**
1) Residential	
a) Single-family detached and attached dwelling/home	P
b) Senior housing (age restricted, 55 and older), detached and attached (no more than 2 units in a building)	P

Land Use Category	Sub-Area H
2) Recreation/Open Space	
a) Public Parks and Playgrounds	P
b) Private Parks and Playgrounds	P

b) Acreage and Density. The overall Sub-Area H density for single-family detached dwellings/homes shall not exceed forty-eight (48) dwelling units, for single-family attached dwellings/homes (no more than two (2) units in a building) shall not exceed sixty (60) dwelling units, the overall Sub-Area H density for senior housing detached shall not exceed seventy (70) dwelling units, and the overall Sub-Area H density for senior housing attached (no more than two (2) units in a building) shall not exceed ninety (90) dwelling units. The only mix of dwelling unit types in Sub-Area H permitted is a mix of senior housing, detached and senior housing, attached and a mix of single-family homes and senior housing is prohibited.

c) Lot Standards. The lot standards for Sub-Area H depend on the use, based upon the following table:

Use	Lot Width	Lot Depth
Single-family detached	52’	125’
Single-family attached	90’	125’
Senior housing – detached	40’	100’
Senior housing – attached	75’	100’

d) Setback Standards. The following standards shall apply for minimum principal building setbacks from the applicable lot line.

Minimum Building Setbacks	Sub-Area H
Front setback – single-family	30’
Front setback – senior housing	20’

Rear setback – single-family	40’
Rear setback – senior housing	25’
Side setback – single-family	10’
Side setback – senior housing	5’

Architectural features may project into required yards/setbacks as permitted by Section 1149.02(e) of the Zoning Code.

e) Minimum Square Footage and Garage Requirements. The square feet minimum floor area, exclusive of basements (unless finished walk-out basements), unfinished attic spaces, garages, and any attached or detached accessory buildings for a single-story, single-family three (3) bedroom home shall be 1,700 square feet, and for a two (2)-story, single-family three (3) bedroom home shall be 2,000 square feet. Each additional bedroom in a single-family home shall increase the minimum floor area by 200 square feet. Each single-family home shall have an attached two (2) or three (3) car garage.

The square feet minimum floor area, exclusive of basements (unless finished walk-out basements), unfinished attic spaces, garages, and any attached or detached accessory buildings for senior housing, detached or attached, shall be 1,200 square feet. Three (3) or four (4) bedroom senior housing dwelling units are not permitted. If a room does not have a closet the room is not considered to be a bedroom. A senior housing unit may not exceed one and one-half (1½) stories. Each senior housing dwelling unit shall have an attached one (1) or two (2) car garage, but more than a two (2) car garage is not permitted.

f) Maximum Building Height. The maximum height of any single-family home shall be thirty-five feet (35’) and the maximum height for senior housing shall be twenty-five feet (25’), both as measured from the average elevation of the finished grade at the front of the dwelling unit to the highest point of the roof.

g) Parking Standards. Each dwelling unit shall have parking in the dwelling unit’s driveway for at least two (2) cars for a single-family home and for at least one (1) car for a senior housing dwelling unit.

h) Landscaping and Screening. All landscaping and screening shall meet the requirements of Section 2. j) of this Development Text and the then-current Zoning Code unless modified

in this Development Text. Tree preservation zones/areas shall be established adjacent to the streambeds as shall be provided in the Sub-Area H Preliminary Development Plan, of 30 feet along Sub-Area H's west boundaries and the north boundary where adjacent to lots in the Township fronting on Hills-Miller Road. In Reserve 3 where trees currently exist there shall be established as appropriate and as approved by the City a tree preservation zone/area, with 2 to 3 foot mounding with landscaping._ A typical landscaping plan shall be submitted and approved with the appropriate Sub-Area H Final Development Plan . This typical landscaping plan shall set forth the minimum amount of required landscaping for each building at the time of construction of each building prior to the issuance of a Certificate of Occupancy.

i) Other Standards. Except as otherwise provided in this Development Text or in the Sub-Area H Preliminary Development Plan, all applicable provisions of the standards in then-current Chapters 1134 and 1171 of the Zoning Code shall apply.