

March 22, 2024

To whom it concerns:

The current septic system at 5361 State Route 37 E, Delaware, Ohio 43015 (Foor Concrete) was permitted by the Ohio EPA on September 19, 2006. According to the OEPA permit, the wastewater disposal system was to be designed to serve an average daily hydraulic flow of no more than 500 gallons. This facility currently is comprised of office space and a gymnastics training area. The back of the property is to be rezoned to build a new, unheated garage to store equipment and to build a new facility for the gymnastics training area. The proposed plans do not anticipate an increase in the average daily hydraulic flow of the septic system. The rezoning should not significantly impact the use of the onsite wastewater disposal system.

Yearly inspections will continue to be conducted as part of a contract between the OEPA and the Delaware Public Health District. If at any time the system appears to be failing or causing a public health nuisance, alterations or replacement will need to be made. This approval is only for rezoning purposes. Prior to the proposed new construction, an inspection from the Delaware Public Health District should be completed through our Addition/Remodel Inspection program to ensure the existing septic system is functioning properly and that the proposed construction will meet all isolation distances.

Please reach out for any questions or concerns at 740-203-2045 or [gdunfee@delawarehealth.org](mailto:gdunfee@delawarehealth.org).

Sincerely,



Glynnis Dunfee  
Program Manager- Water Quality  
Environmental Health Division

**Development Plan  
for  
Planned Commercial and  
Office District (PCD)**

**Foor Property North**

**Berlin Township, Delaware County, Ohio**

**Submitted by:  
Archie E. & Jeanine A. Foor  
5361 St. Rt. 37 East  
Delaware, Ohio 43015**

**April 9, 2024**

# **Foor Property North**

## **Development Plan and Text PCD District**

**April 9, 2024**

### **Table of Contents**

<b><u>Tab No.</u></b>	<b><u>Content</u></b>
-----------------------	-----------------------

	<b>Official Zoning District Map Berlin Township Comprehensive Land Use Plan</b>
--	---

- |          |   |
|----------|---|
| <b>1</b> | <b>Development Plan &amp; Text – including:<br/>    Article 17 – Planned Commercial and Office District (PCD)<br/>    Article 24 – General Standards<br/>    Article 26 – Landscape Standards</b> |
| <b>2</b> | <b>Landscape Plans and Architecture Elevations</b>  |
| <b>3</b> | <b>Engineering Feasibility<br/>    • Utility Letters</b>  |
| <b>4</b> | <b>Property Description<br/>List of Adjacent Property Owners (within 200’)</b>  |

## **ARTICLE 17 PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)**

### **SECTION 17.01: PURPOSE: SEE SECTION 5.059**

The land (Parcel Number: 41812001056001) associated with this zoning amendment, is owned by Archie E. Foor, Jr. and Jeanine A. Foor (the "Applicant"). The Applicant's site is +/- 19.9 acres in area, and is located at 5361 St. Rt. 37 East, Delaware, Ohio 43015.

The southern +/- 7.5 acres of the site was rezoned in 2003, with Berlin Township approval, to Planned Commercial & Office District (PCD). In 2012-13, the permitted land uses were amended to permit recreational use (gymnastics and dance) in addition to the 2003 permitted uses. This southern +/- 7.5 acres is not included as part of this 2024 zoning amendment.

The purpose of this 2024 zoning amendment application is to amend the northern portion of the Applicant's site, +/- 12.4 acres, from FR-1 to Planned Commercial and Office (PCD). This zoning amendment would allow the Applicant to realign his current land uses to provide a recreation facility to better serve the permitted gymnastics and dance use, and to provide unheated, enclosed storage for his existing company's equipment on this northern area of his property.

With this northern area serving as an extension of the Applicant's current company operations, and as the continuation of the current permitted land uses proposed for this application, the Applicant proposes with this application for a continuation of the development standards that were approved in 2003.

This Zoning Amendment application includes the proposed land uses and development standards for the Applicant's northern +/- 12.4 acres as well as support letters from the Delaware County Health Dept., the Berlin Twp. Fire Department, ODOT, and Del-Co Water. With no change of uses and no increase in users for this site, the service letters included in previous submissions serve this application.

### **SECTION 17.02: PERMITTED USES**

#### **A.) NAICS Listed Uses**

Within the Planned Commercial and Office District (PCD) the following uses, according to their North American Industrial Classification System (NAICS) code number, when approved by the development plan process and developed in strict compliance with the approved development plan and standards shall be permitted.

The full text of the listings in the 2002 NAICS or subsequent edition as specifically referenced and subsequently adopted shall be used to define the uses permitted within the PCD as set forth below and is hereby adopted as part of Article 27.



The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

**Note:** The NAICS code numbers are inclusive in ascending order. All two digits sector numbers listed in the left hand column below include as permitted uses all 3-6 digit numbers beginning with those two digits. All three digit codes include all 4-6-digit codes beginning with those three digits, and so on. If a specific six-digit code is used, it refers to only one permitted use. For example, Code 52 means that any use listed in the 2002 or subsequently referenced and adopted NAICS code under Sector 52 (such as 52212 Savings Institutions) is permitted.

2002 U.S. NAICS CODE #	PERMITTED USES
1114	Greenhouse, Nursery, and Floriculture Production
311811	Retail Bakeries
441210	Recreational Vehicle Dealers
441221	Motorcycle Dealers
441222	Boat Dealers
441229	All other Motor Vehicle Dealers
4413	Automotive Parts, Accessories, and Tire Stores except 441310 Auto Used Parts Sales
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Centers
445	Food and Beverage Stores
446	Health and Personal Care Stores
447	Gasoline Stations (except 447109 Truck Stops)

448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book (except Adult-Related Entertainment) and Music Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers, (except Adult-Related Entertainment establishments and 45393 Manufactured Home Dealers)
491	Postal Service
511	Publishers
5133	Telecommunications
514	Information and Data Processing Services
516110	Internet Publishing
517110	Wired Telecommunications Carriers
517212	Cellular and other Wireless Telecommunications
518111	Internet Service Providers
52	Finance and Insurance
531130	Lessors of Mini-Warehouses and Self-Storage Units
531210	Offices of Real Estate Agents and Brokers
531390	Other activities related to Real Estate
53211	Passenger Car Rental and Leasing
532120	Truck and Utility Trailer Rental and Leasing
5322	Consumer Goods Rental
54	Professional, Scientific and Technical Services (includes Medical, Veterinarians, Computer and Related Hardware and Research and Development etc.)
55	Management of Companies and Enterprises
561110	Office Administrative Support Services
561431	Private Mail Services
561439	Other Business Service Centers (including Copy Shops)
561510	Travel Agencies
61	Educational Services
621111	Offices of Physicians
621112	Offices of Mental Health Specialists
621210	Offices of Dentists
621310	Offices of Chiropractor
621320	Offices of Optometrists
621330	Mental Health Practitioners

621340	Physical, Occupational, and Speech Therapists and Audiologists
621391	Podiatrists
621399	Miscellaneous Health Care Practitioners
621491	HMO Medical Centers
621492	Kidney Dialysis Centers
621493	Ambulatory Surgical and Emergency Centers
621511	Medical Laboratories
621512	Diagnostic Imaging Centers
621610	Home Health Care Services
621910	Ambulance Services
622	Hospitals
623110	Nursing Care Facilities
623311	Continuing Care Retirement Communities
623312	Homes for the Elderly
624410	Child Day Care Services
711110	Theater Companies and Dinner Theaters
711120	Dance Companies
711190	Other Performing Arts Companies (except Adult-Related Entertainment)
712110	Museums
713940	Fitness and Recreational Centers
721110	Hotels (except 72112 casino) and Motels
721191	Bed and Breakfast Inns
722	Food Services and Drinking Places (except those establishments offering or featuring entertainment including totally nude, topless, bottomless, strippers, male or female impersonators, or similar adult entertainment or services), provided that there shall be a minimum of 300 feet of setback from the property line of any Food and Drink service place and the nearest residential property line or residential zoning district.
812	Personal and Laundry Services (except Adult-Related Entertainment)
813	Religious, Grant making, Civil, Professional and Similar Organizations
92	Public Administration (except 922150 Parole and Probation Offices)

**The unheated Storage Structure use, providing unheated, enclosed storage for the Applicant's business, is an accessory use for the operation of the Applicant's permitted business and, as such, is a permitted use in this zoning amendment.**

**The following list of 2002 US NAICD use numbers defines the permitted uses request by the Applicant in this zoning amendment application:**

## **2002 US NAICD Code**

<b>Permitted Use #'s</b>	<b>Uses</b>
<b>55</b>	<b>Management of Companies</b>
<b>561110</b>	<b>Office Administration Support Services</b>
<b>711120</b>	<b>Dance Company</b>
<b>711190</b>	<b>Other Performing Arts</b>
<b>713940</b>	<b>Fitness and Recreation Center</b>
<b>444</b>	<b>Building Material Centers</b>

- B.) Other Permitted Uses that do not have a listed NAICS Number:

Temporary structures such as manufactured/mobile offices and temporary buildings may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice for a total combined period of time under all issued permits not exceeding eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

**The Applicant will comply with this Section.**

- C.) Adult-Related Uses in accordance with Article 27.

**Adult-Related Uses are prohibited.**

## **SECTION 17.03: PROHIBITED USES**

**The Applicant will comply with this Section.**

- A.) Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- B.) Outdoor storage of inoperable, unlicensed or unused vehicles, including trailers detached from semi-tractors, for a period exceeding fourteen consecutive (14) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- C.) Except as provided in the development plan no trailer of any type; no boats, no motor homes and no equipment of any type shall be parked in front of the established front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum setback line established by this code, the restrictions in the plat or deed or the development plan.

- D.) Except as specifically permitted in the approved development plan, no manufactured home, mobile home, or mobile office structure shall be permanently placed or occupied in this district.
- E.) No trash, debris, unused property, or discarded materials which create an eyesore, hazard, or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or parcel.
- F.) Uses pursuant to NAICS code #711310, Promoters of Performing Arts, Sports, and Similar Events with Outdoor Open Air Facilities are prohibited.
- G.) No commercial or business activity shall be conducted in a unit designed for residential use except for Home Occupations as provided in Section 24.15 and 24.16.
- H.) No temporary structure or unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with Article 32 of this Resolution.

#### SECTION 17.04: INITIAL DISCUSSIONS

The applicant is encouraged to engage in informal consultations with the Zoning Inspector and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map to PCD.

No statement by officials of the Township or County made prior to formal submission of a development plan and application to the Zoning Commission shall be binding. Any and/or all such informal consultations may be subject to Ohio's open meeting laws (ORC §121.22) and may be required to be held in an open public meeting.

**The Applicant has met with and discussed this proposed zoning amendment application and proposed reconfiguration of the existing uses on his site, currently serving the Applicant's businesses, with the Zoning Inspector and Assistant Inspector, the Berlin Township Zoning Commission, the Berlin Township Fire Department, the Delaware County Regional Planning Executive Director (DCRPC), Del-Co Water, Delaware County Engineer's Office (DCEO), ODOT, and the Delaware Public Health Department.**

#### SECTION 17.05: REQUIRED PCD DESIGN STANDARDS

- A.) The development plan shall incorporate the following standards for all permitted uses:

- 1.) **Access:** Requires frontage on or direct access to one or more dedicated and improved public arterial roads as shown on the Delaware County Thoroughfare Plan, or to an access road that runs parallel to an arterial road. Provision for future connections to other public roads may be required by the Township, the County Engineer, and/or the Regional Planning Commission.

**The current access, a private drive, was approved in 2003 by Berlin Twp., DCEO and ODOT, to the southern portion of the Foor property and will continue to serve as the access to this northern site and permitted uses.**

- 2.) **Minimum Tract Size:** 10 acres or as approved on the final development plan.

**The Applicant is requesting the zoning amendment for +/- 12.4 acres.**

- 3.) **Maximum Commercial Ground Coverage by Buildings and Parking (All Impervious Surfaces):** No more than 80% of the total tract acreage of a commercial development, exclusive of public street rights of way shall be covered by impervious surfaces, which includes all parking and commercial buildings (not multi-family dwellings). Land underneath overhead high voltage electric transmission lines may be used for open space, landscaping, parking, and roads with the permission of the electric utility company.

**The Applicant will comply with this Section. See Section 17.06 A) 12) for area calculations.**

- 4.) **Minimum Required Open Space for Commercial Developments:** Not less than 20% of the total tract acreage of a commercial development shall remain open space. Open spaces may be used for the retention, detention and disposal of storm water drainage. Features which are likely to cause erosion or flooding shall not be permitted. A 15-foot wide "green belt" shall be provided between the edge of any parking area and the adjacent public street right of way and shall be landscaped in accordance with Article 26.

**The Applicant will comply with this Section. See Section 17.06 A) 12) for area calculations.**

- 5.) **Minimum Lot Width:** At the building line shall be as approved per plan.

**The Applicant will comply with this Section. Please refer to the Development Plan.**

- 6.) **Minimum Side Yards:** Shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.

**As the continuation of the 2003 approved zoning amendment for the southern portion of this site, the Applicant proposes to continue with the approved standards of the 2003 zoning amendment. The approved 2003 zoning amendment permitted 20' side yard setbacks. See Section 17.06 A) 6) for the proposed divergence. See the Development Plan.**

- 7.) **Minimum Rear Yard:** Shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.

**As the continuation of the 2003 approved zoning amendment for the southern portion of this site, the Applicant proposes to continue with the approved standards of the**

**2003 zoning amendment. The approved 2003 zoning amendment permitted 30' rear yard setbacks. See Section 17.06 A) 6) for the proposed divergence. See the Development Plan.**

- 8.) **Perimeter Area:** No parking shall be constructed within 25 feet of the lot line of an existing or proposed single family home, or a residentially zoned district.

**The Applicant will comply with this Section.**

- 9.) **Water and Sewer:** Centralized water and centralized sewer service shall be provided unless otherwise approved per development plan. The appropriate state and/or county agencies with jurisdiction shall indicate feasibility of water supply and wastewater disposal systems at the time of the preliminary development plan review.

**The approved, current uses are served by an on-site sanitary system that has been approved by the Delaware County Health Department. With the proposed simple relocation of uses on this site, included in this zoning amendment application, the number of users is expected to remain the same. Further, the existing sanitary system will not be disturbed. Please refer to the included service letter from the Delaware County Health Department.**

**The water to this site is provided by Del-Co Water. Please refer to the included water service letter from Del-Co Water.**

- 10.) **Walkways and Street Trees:** The Township may require walkways to connect parking areas with buildings. Where sidewalks or bike paths are required, they shall be separated from the paved street or parking lot surface by at least five feet (5') of landscaped area with trees placed behind the sidewalk.

**The Applicant will comply with this Section. Walks will be provided from the parking area to the use entrance of the Recreation Structure.**

- 11.) **Pavement Width Standards for Interior Development Streets, Drives and Parking Lots:** All private streets, roads and driveways shall be constructed to a pavement width and cross section that meets the Average Daily Traffic and weights anticipated in the Delaware County Engineer's Location and Design Manual, or shall have a design life of 20 years. Parking lot pavement does not have to meet street cross section standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.

**The Applicant will comply with this Section.**

- 12.) **Underground Utilities:** All utility lines constructed to service the proposed commercial uses shall be located underground.

**The Applicant will comply with this Section.**

- 13.) **Environmentally Sensitive Areas:** Jurisdictional wetlands, slopes greater than 20%, and 100-year floodplains shall be preserved to the greatest extent possible. No commercial or office structures shall be constructed within the 100-year floodplain of any stream or river. To the maximum extent possible, all natural drainage courses, vegetation and contours in excess of 6% shall be maintained.

**This site is gently rolling (less than 6% slopes) land, surface draining to the west. There are no slopes greater than 20%, nor are there floodplains or jurisdictional wetlands on this site. The southern portion of this application's site is an agricultural use. The northern portion of this site is partially wooded.**

- 14.) **Building Design:** The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site.

**The Applicant will comply with this Section. The proposed exterior materials, colors and elevations for the Storage and Recreation Structures will match the existing materials, colors and elevations approved in 2003 for the existing Foor Concrete Office and Shop. See Architectural Elevations for photographs of the existing Foor Office and Shop elevations.**

- 15.) **Building Height Limits:** No building or structure in this district shall exceed thirty-five (35) feet in height measured from the front door threshold to the highest point on the roof. Chimneys, spires, domes, flag poles, and elevator shafts may be constructed to any safe height, but shall not exceed one-hundred (100) feet in height. No windmill, aerial, antenna, or tower shall be constructed to a height greater than the distance from the center of the base to the nearest property line of said tract and shall not exceed one-hundred (100) feet in height.

**The Applicant will comply with this Section. The proposed height, roof pitch and dimensions for the Storage and Recreation Structures are similar to those of the approved in 2003 for the existing Foor Concrete Office and Shop. Current and proposed structures comply with this Section. See Architectural Elevations for photographs of the existing Foor Office and Shop elevations.**

- 16.) **Landscaping:** All yards, front, side and rear, shall be landscaped in accordance with Article 23. All open spaces or non-residential use areas shall be landscaped and shall meet the landscaping requirements of this resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, shall be submitted and is subject to approval as a part of the final development plan. Natural foliage shall be retained as buffers where practicable. The Township may require establishment of such tree cover and/or other foliage to buffer adjacent uses.



**The Applicant will comply with this Section. The entrance area to the Recreation Structure will be landscaped. See the Landscape Plan.**

- 17.) **Parking:** Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the final development plan. In preparing and approving the parking plan, the parking provisions of Article 24, Section 24.01 of this Resolution shall be incorporated, or a divergence requested.

**The Applicant will comply with this Section. Existing parking areas currently serve the existing uses on the site. An additional parking area will be provided, with this application, to serve the proposed Recreation Structure. See the Development Plan.**

- 18.) **Signs:** Signs shall conform to Article 25 of this resolution, or a divergence requested and approved as part of the final development plan.

**With this zoning amendment being an extension of the uses currently on the site, no new signs are requested with this application.**

- 19.) **Exterior Lighting:** All exterior lighting shall be as specifically approved as part of the final development plan in accordance with Article 24, Section 24.13 of this resolution.

**Exterior lighting is not included in this application.**

- 20.) **Building Size Limits:** Retail or office buildings, including but not limited to NAICS Codes 114, 311811, 442, 443, 444, 445, 446, 447, 448, 451, 452, 453, 51, 52, 5312, 5313, 53211, 5322, 53242, 54, 55, and 561 shall contain no more than 65,000 square feet under one roof for any individual use.

**The Applicant will comply with this Section.**

- 21.) **Exception to Retail and Office Building Size Limits:** Retail and office uses permitted in Section 15.02, and NAICS code 441 (Motor Vehicle and Parts Dealers) with an individual commercial or office that exceeds 65,000 square feet under one roof for any individual use may be approved at the discretion of the township provided they have direct access to or access to a commercial frontage road located parallel to and within 500 feet of U.S. 23 or U.S. 36.

**The Applicant will comply with this Section.**

- 22.) **Supplemental Conditions and Safeguards:** The Zoning Commission and/or Board of Trustees may require additional conditions be met with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

**The Applicant will work with the Zoning Commission and Board of Trustees to provide any requested additional materials.**

#### **SECTION 17.06: DEVELOPMENT PLANS**

- A.) **Preliminary Development Plan:** With the filing of any application to rezone property to the PCD District, the owner(s) or lessees of the subject lots or land to be rezoned within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Twenty (20) copies of the preliminary development plan and electronic media as specified by the Zoning Inspector shall be submitted to the Zoning Commission with the PCD application along with a list of addresses for notification as defined in Section 31.01 herein. The plan shall include in text and map form, the following:

- 1.) The size and location of the proposed PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.

**The Foor property is located at 5361 St. Rt. 37 East, Delaware, OH 43015 (Parcel No.: 41812001056001). The site is +/- 12.4 acres. See the Development Plan for the boundary, topography, site conditions and adjacent off-site structures within 200' of the property line.**

- 2.) Conceptual architectural elevations for all structures and signs.

#### **See the Architectural Elevations.**

- 3.) The intended general provisions for water, fire hydrants, sanitary sewer, and adequate storm water drainage outlet. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented by the utility provider or a registered civil engineer.

**The proposed zoning amendment will allow the Applicant to relocate the recreational use and the unheated storage use on site. As such, with no introduction of new uses and no increase in users, the infrastructure and utilities will remain as they are currently designed and installed. See the attached letters from the Delaware County Health Department and Del-Co Water for services.**

- 4.) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

**The site is surrounded to the north, northeast and west by properties zoned Farm Residential District (FR-1); immediately east of the proposed use area, the neighboring property is zoned Neighborhood Commercial District (NCD) The area to the south is owned by the Applicant and is zoned Planned Commercial and Office District (PCD). This proposed site zoning amendment is planned to allow the Applicant to realign**

**existing uses on the southern property onto the northern (application) property.**

- 5.) A design of the open space and proposed description of its use, ownership, and maintenance.

**The Applicant agrees to maintain 20% of the site as open space, according to Section 17.05 A.) 4). Parking areas, maintenance areas and storage areas within 30' of any residential uses shall be mounded, planted or screened to a 6' height (min.). The Applicant will own and maintain the open space areas. See the Landscape Plan for design of the open space associated with the proposed structures.**

- 6.) Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage, and so forth.

**The Applicant requests a divergence from the Side Yard Setbacks, Section 17.05) A) 6). This request is to allow the extension of Mr. Foor's proposed uses, included with this amendment application, to continue with the same Side Yard Setbacks as was approved by Berlin Township in 2003 and 2012. The same uses and adjacent property uses were associated with the 2003, 2012 and this 2024 zoning amendments.**

**The Applicant requests a divergence from the Rear Yard Setbacks, Section 17.05) A) 7). This request is to allow the extension of Mr. Foor's proposed uses, included with this amendment application, to continue as were his same uses approved by Berlin Township in 2003 and 2012. The same uses and adjacent property uses were associated with the 2003, 2012 and this 2024 zoning amendments.**

- 7.) Proposed location of all structures and uses.

**See the Development Plan for all structure and use locations.**

- 8.) Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer's standards.

**With this amendment, there are no new uses/ traffic generators to influence the trip generation. In conversations with Mike Love, of DCEO and Jessica Ormeroid, of ODOT, both stated that with no new uses, there is no need for a Traffic Impact Analysis for this proposed amendment.**

- 9.) All required design standards in Section 17.05.

**See Section 17.05 for compliance with all required design standards.**

- 10.) Fire-fighting plan: submission of a letter from Fire department regarding access and water needs for fire-fighting.

**The Applicant has met with Lt. Arnold, of the Berlin Twp. Fire Department. The letter**

**from Lt. Arnold is included in this application.**

11.) Phasing plans, if any.

**The Applicant estimates the following Phasing Schedule:**

- **The Recreation Structure - mid-2025, following the approval of the Final Development Plan, architectural plans, and engineering plans**
- **The Storage Structures - mid-2027, following the approval of the Final Development Plan, architectural plans, and engineering plans.**

12.) Calculations of net developable acreage and proposed lot coverage for commercial uses.

**Total Area for this Amendment**

- **Developable Acreage: +/- 12.4 acres**
- **Impervious Area/ Net Developable Acreage (80%): +/- 432,115 s.f = +/- 9.92 ac. of commercial development covered by impervious surfaces.**
- **Pervious Area/ Net Pervious Area (20%): +/- 108,028 s.f. = +/- 2.48 ac. of this zoning amendment application will be retained as open, pervious area.**

13.) Proposed permitted and accessory uses listed numerically and selected from the NAICS list in Section 17.02.

**2002 US NAICD Code**

<b>Permitted Use #'s</b>	<b>Uses</b>
<b>55</b>	<b>Management of Companies (Office Admin Area)</b>
<b>561110</b>	<b>Office Administration Support Services (Office Admin Area)</b>
<b>711120</b>	<b>Dance Company (Recreation Use)</b>
<b>711190</b>	<b>Other Performing Arts (Recreation Use)</b>
<b>713940</b>	<b>Fitness and Recreation Center (Recreation Use)</b>
<b>444</b>	<b>Building Material Centers (Storage use))</b>

- B.) **Preliminary Plan Approval Period:** The approval of a preliminary development plan shall be effective for a period of one (1) year from the date 30 days after the zoning became final in order to allow for the preparation and submission of the final development plan. No zoning text amendment passed during this one (1) year period shall affect the terms under which approval of the preliminary development plan was granted. If the final development plan has not been filed within this one (1) year period, then the preliminary development plan approval shall expire unless the Trustees have approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure, or improvement shall be constructed until a new preliminary and final development plan has been submitted for approval to and approved by the Township. Such applications for approval shall be subject to the same procedures, fees, and conditions as an original application. In the event the one (1) year timeline expires, any preliminary development plan thereafter filed shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD district.

- C.) **Modifications of the Preliminary Development Plan:** In the event that an applicant or owner who has obtained approval of a Preliminary Development Plan wishes to change or modify said approved plan in any respect, he or she shall make a detailed written modification request, and file that request and fee with the Zoning Inspector. The application shall specifically detail the changes requested, and shall state the reasons for all changes requested.

Upon receipt of such an application, the Zoning Inspector shall refer the application to the Board of Trustees for a determination to be made at the sole discretion of the Trustees as to whether the Application shall be treated as a request for a minor modification.

If the Trustees determine by a unanimous vote that the application should be handled as a minor modification request, it shall set the matter at any public meeting before the Board of Trustees. The applicant shall have the right to amend his or her application at any time prior to the vote of the Board of Trustees.

If the application is not determined to be minor modification request, the Trustees shall forward the Application to the Township Zoning Commission and the Commission shall schedule and conduct a public meeting, and make a written recommendation for the approval, modification, or the denial of the application to the Board of Trustees following the same procedure outlined in ORC §519.12 for the amendment of a zoning resolution.

If an amendment is sought with respect to an application deemed major after a vote by the Trustees, the amended application will be returned to the Zoning Commission for additional review and recommendation.

Consideration of requests for modifications of an approved Preliminary Development Plan shall be considered in all respects to be a legislative process and approval or denial of any such request shall be considered and treated as a legislative act.

- D). **Final Development Plan:** The applicant shall submit fifteen (15) copies of the final development plan and electronic media as specified by the Zoning Inspector to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PCD district, the Zoning Commission shall be the review authority for the final development plan.

### **The Applicant will comply with this Section.**

The final development plan shall include in text and map form the following:

- 1.) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PCD District.
- 2.) The plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following items in detail satisfactory to the reviewing body(s):
  - a.) The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational

facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub, or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.

- b.) Environmentally sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20% shall be mapped.
- c.) Architectural design criteria including materials, colors and elevations for all structures and criteria for proposed signs, with proposed control procedures.
- d.) Building heights and dimensions.
- e.) Off-street parking.
- f.) Signs.
- g.) Exterior Lighting Plan to show how exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- h.) The provider-approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- i.) A traffic impact analysis by a civil engineer who specializes in traffic evaluations showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- j.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- k.) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- l.) The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.
- m.) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township Officials definitive guidelines for approval of future phases.
- n.) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- o.) Specific statements of divergence from the development standards of this Resolution and the justification therefore. Unless a deviation from these development standards is specifically approved, the development standards shall be complied with. Since the

Final Development Plan is a rendition of what is intended to be built all standards for landscaping, parking and setbacks are per the plan.

- p.) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- q.) All drawings that are a part of the final development plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio.
- r.) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PCD district.
- s.) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
  - i.) **Fire and Explosion Hazards:** All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - ii.) **Air Pollution:** No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - iii.) **Glare, Heat and Exterior Lighting:** Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  - iv.) **Dust and Erosion:** Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer in objectionable quantities by wind or water to points off the lot.
  - v.) **Liquid or Solid Wastes:** No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  - vi.) **Vibrations and Noise:** No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
  - vii.) **Odors:** No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

- t.) The Township Zoning Commission may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed. This includes landscaping, development, improvement, and maintenance of common open space as well as any other pertinent development characteristics.

D.) **Final Development Plan Approval Period:** The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat (if platting is required by applicable law) and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision plat has not been approved and recorded, and construction of any building has not been commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. In the event the three (3) year time line expires, any new final development plan thereafter filed shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD District.

E.) **Phasing:** Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in general compliance with the timetable in the approved development.

F.) **Failure to Maintain:** If the organization established to own and maintain the open space, or the owners of dwelling units within the PCD shall, for any reason, fail to maintain the open space in reasonable order and in accordance with the final development plan, such failure shall constitute a breach of the development plan and a violation of the zoning resolution. The Board of Township Trustees or its designee may serve written notice upon such organization of the deficiencies and demand that corrective action be taken immediately and pursue enforcement of the zoning resolution.

G.) **Plat Required:** If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

- 1.) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right- of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
- 2.) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non- residential uses.
- 3.) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance surety in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no



event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

- 4.) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.
- H.) **Administrative Review:** All plats, construction drawings, restrictive covenants, and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.
- I.) **Divergences:** The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted “as approved per plan.” An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.
- J.) The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

#### **SECTION 17.07: PROCESS FOR AMENDMENT**

Consistent with ORC §519.021(A), and in addition to any other procedures set forth in this Code, all Applications for Amendments to the Zoning Map to rezone lands to the PCD shall follow this process:

- 1.) **Step 1:** The applicant, being the owner of the subject real estate (or his/her representative or assignee) may apply for designation of the land to the PCD designation. Simultaneous with the application, it is recommended that the applicant schedule a walkabout or informal review with the Zoning Inspector and other county agencies to familiarize all parties with the lay of the land and the general design intent of the applicant.

A Preliminary Development Plan which complies with the requirements of Section 17.06(A) must be submitted with the application. Consideration and approval of the Preliminary development Plan is a legislative amendment and is subject to referendum by the citizens of the township.

- 2.) **Step 2:** The applicant, being the owner of the subject real estate (or his/her assignee) may apply for the consideration and approval of a Final Development Plan which must comply with the requirements of Section 17.06(D) and, unless otherwise allowed, conform to the approved Preliminary Development Plan. The approval or disapproval of the Final Development Plan is an administrative act by the Zoning Commission.

#### **SECTION 17.08: REQUIRED FINDINGS FOR PCD APPROVAL**

The Zoning Commission may recommend and Trustees may approve an application requesting that property be included in the PCD zoning district, provided they find that the proposed use complies with all of the following requirements:

- 1.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

**This amendment's development is an extension of the existing uses located to the south, approved by Berlin Township in 2003 and amended in 2012. The Applicant proposes, in this amendment, the same uses and development criteria that was previously approved in 2003 and 2012.**

- 2.) That the proposed development meets all applicable requirements of this Article and Zoning Resolution.

**The proposed development is an extension of the existing use, approved in 2003 and amended in 2012. The Applicant proposes, in this amendment, the same uses and development criteria that was previously approved. This amendment meets the requirements of this Article and the Zoning Resolution.**

- 3.) That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.

**This proposed amendment is an extension of an existing use, that has been operating in the Township for approximately 20 years. The Applicant has owned this property for this entire length of time with intentions to use this northern portion of his property to extend his business operations. This proposed development does not conform with the 2023 Comprehensive Plan but does conform with the approved uses of this site, from 2003 and 2012, as well as the uses to the south and southeast of the property.**

- 4.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.

**The proposed development is an extension of the existing use, approved in 2003 and amended in 2012. As, for the past 20 years, the current use has and continues to promote the health, safety and general public welfare of the Township and immediate vicinity, the uses of this zoning amendment will do the same.**

- 5.) That the proposed plan meets all of the design features required in this Resolution.

**The proposed development is an extension of the existing use, approved in 2003 and amended in 2012. This proposed amendment matches the design features approved +/- 20 years ago, with the original approval of the southern portion of the Applicant's property.**

- 6.) That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.

**The proposed development matches the approved, initial zoning amendment in the physical appearance of the structures and site development..**

- 7.) That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and

building of all types of development.

**With the approval of this zoning amendment, the new development will use the existing infrastructure (utilities, driveway, etc.) thus promoting the efficiency of use of land resources, and utility services.**

#### **SECTION 17.09: EFFECT OF PROPERTY OWNER-INITIATED PCD ZONING AMENDMENT**

Upon approval of an application for a zoning amendment to rezone property to the PCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PCD designation, as approved, shall prevail.

#### **SECTION 17.10: ADMINISTRATION OF THE DEVELOPMENT PLAN**

After Development Plan approval, all subdivision plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector for administrative review to ensure compliance with the Development Plan as approved. Any change to an approved Final Development Plan shall require that a proposed Application for Development Plan Amendment be submitted to the Zoning Commission.

- A.) **Deviations:** Upon submittal of a written Application requesting approval for changes to an approved Development Plan, the Zoning Commission shall designate whether such changes represent Minor or Major Deviations to the plan. This may occur at any public meeting.
- 1.) Minor Deviations include, but are not limited to, changes in the location of buildings, structures, streets or parking areas. The Zoning Commission may choose to impose conditions, safeguards, or other restrictions to carry out the intent of this District. The decision of the Zoning Commission shall represent final approval or denial of such deviation.
  - 2.) Major Deviations shall be considered at a public hearing by the Zoning Commission. Major deviations include but are not limited to:
    - a.) A change in the use or character of the development;
    - b.) An increase in overall lot coverage of structures and off-street parking.
    - c.) An increase in the density;
    - d.) A change in traffic circulation or usage of public utilities;
    - e.) A reduction in approved open space;
    - f.) A reduction of off street parking and loading space;
    - g.) A reduction in required pavement widths;
    - h.) A change of the acreage in the planned development;
    - i.) Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.

- j.) For Major Deviations, the recommendation of the Zoning Commission shall be forwarded to the Board of Trustees for a final public hearing.
- B.) **Default:** If construction of any site improvement has not been commenced within three (3) years after approval of the initial Final Development Plan, approval of the Plan shall expire, unless an extension of the time limit has been approved by the Zoning Commission.
- C.) **Extension of Time:** An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or increasing the approval period for either a preliminary or final Development Plan may be granted by the Zoning Commission at any public meeting provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

## ARTICLE 24 GENERAL DEVELOPMENT STANDARDS

### SECTION 24.00: GENERAL

It is the purpose of these development standards to establish certain general rules to be adhered to regardless of the type or classification of development. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district, the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

### SECTION 24.01: PARKING

Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply:

**The Applicant will comply with this Section. See the Development Plan.**

- A.) **Design:** Width and angle of parking stalls, drive aisle widths for automobile parking lots and truck loading docks shall conform to the design standards promulgated by the Eno Foundation for Transportation, Saugatuck, Connecticut (See Appendix A). Handicap accessible spaces shall be provided in compliance with the Americans with Disabilities Act.
- B.) **Paving:** Except in the Farm Residential Zoning District (FR-1) and the Agricultural Conservation District (A-1) all common parking areas and adjacent aisles or driveways shall be paved with asphalt material or concrete.
- C.) **Driveways:** All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within one-hundred (100) feet of the intersection of any two (2) public roads unless there are two (2) driveways serving the lot, one (1) of which is more than one-hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three-hundred (300) feet.
- D.) **Parking Area Location:** Except in the residential districts (A-1), (FR-1), (R-2), (R-3), (R-4) and (PRD), no parking lot or parking areas shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located, and parking in front of the main structure is permitted, but not more than forty percent (40%) of the front setback area may be used for parking (such parking area shall be at least twenty (20) feet from the nearest right-of-way). All parking spaces required herein shall be located on the same lot with the building or use served unless otherwise approved as part of a development plan for a Planned District. The parking lot shall be situated so that no vehicle will be required to back on to a public street or road.
- E.) **Required Off-Street Parking Spaces:** The user of any tract shall provide off-street parking for all employees, customers, and visitors. The following table shall specify the minimum parking areas to be provided.

USE	REQUIRED PARKING SPACES
1. Single Family Residential	Four (4) per dwelling unit (garages and driveways count).
2. All Other Residential	Three (3) per dwelling unit (garages and driveways count).
3. Hotels, Motels, Lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on largest shift plus 1 for each four (4) seats in the dining room or restaurant areas.
4. Hotels, Motels, Lodges, Exhibition Halls and Public Assembly Areas (except churches)	1 per rental unit plus 1 per employee on the largest shift plus 1 per seventy-five (75) sq. ft. of floor area used for exhibition or assembly purposes plus 1 per four (4) seats in any restaurant therein.
5. Churches or Places of Public Assembly	1 for each three (3) seats or 1 for each forty-five (45) sq. ft. of assembly area, whichever is greater.
6. Hospitals	1 1/2 for each bed plus 1 for each employee on the largest shift.
7. Nursing Homes	1 for each three (3) beds plus 1 for each employee on the largest shift.
8. Museums, Libraries, etc.	1 for each four-hundred (400) sq. ft. of area open to public plus 1 for each employee on the largest shift.
9. Primary or Elementary Schools	One and one half for each classroom
10. Secondary Schools. Colleges, Trade Schools, etc.	Four (4) for each classroom plus 1 for each four (4) students.
11. Restaurants	1 for each two (2) seats plus 1 for each employee on the largest shift.
12. Offices	1 for each three hundred (300) square feet of floor area.
13. Funeral Homes	Eight spaces per parlor or 2.3 spaces for each 100 square feet of assembly area.
14. Large Retail Stores (65,000 s.f. or larger)	Five (5) per one thousand square feet of gross leasable area.
15. Specialty Retail Stores (less than 65,000 s.f.)	Five (5) per two thousand square feet of gross leasable area.
16. All Industrial, Warehousing	.65 spaces per employee on the largest shift, plus 1 for each vehicle maintained on the premises.
17. Country Club or Golf Course	Twenty (20) plus 1 for each two (2) employees, or 1 for each four (4) members, or 1 for each two-hundred (200) sq. ft. of floor area, whichever is greater.

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

#### **SECTION 24.02: HEIGHT LIMITATIONS**

The building height limitations set forth in this resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, storage towers, tanks, water towers, or necessary mechanical appurtenances which may be erected to any safe and lawful height, but not to exceed one-hundred (100) feet in height.

**The Applicant will comply with this Section. See the Development Plan.**

#### **SECTION 24.03: STRUCTURE SEPARATION**

No principal structure shall be located closer than twenty-five (25) feet to another principal structure.

**The Applicant will comply with this Section. See the Development Plan.**

#### **SECTION 24.04: SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL**

All uses shall be conducted in compliance with the respective regulations of the Ohio Environmental Protection Agency, the Delaware General Health District and/or the Delaware County Sanitary Engineer's Office. Prior to issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

**The Applicant will comply with this Section. See the letter from the Delaware Public Health District.**

#### **SECTION 24.05: SETBACK REGULATIONS**

No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways, alleys, or approved private roadways than the distances set forth in the following table or chart. For purposes of this chart or table and for all other purposes of the Zoning Resolution, streets, roads, highways and approved private roadways shall be classified in one of the three following classes:

**This property/ amendment does not front on to a public road. This amendment is an extension of uses located to the north of a development that was approved by Berlin Township, DCEO and ODOT in 2003.**

- A.) **CLASS A:** The Township designates the following roads as Class A roads: U.S. 23, and U.S. Rt. 36, Cheshire Road, South Old State Road, and Africa Road and any other roads as later designated by the Trustees of the Township.
- B.) **CLASS B:** Any through public street or road or any private road or street approved by the Delaware County Engineer connecting two or more public roads.
- C.) **CLASS C** – Dead-end roads or streets ending at a cul-de-sac or approved turn-around when the lot configuration or approved plan precludes future extension of said roadway or any branch there from to create a connecting street between two (2) or more existing or future streets or roads.

## MINIMUM SETBACK DISTANCES

All distances are measured from the center line of the existing or proposed right-of-way to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Article 24 of this Resolution.

Setback requirements shall meet the designated distance from centerline in the following chart. Lots, tracts, or parcels which adjoin more than one (1) county approved street, road, alley, or easement (corner lots or double frontage lots) shall meet the required setback requirement for each adjoining street, road, alley, or easement.

USE CLASSIFICATION		ROAD CLASSIFICATION		
		CLASS A	CLASS B	CLASS C
FR-1	Farm Residential	130	100	90
R-2	Low Density Residential	130	80	70
R-3	Residential High Density	130	80	70
R-4	Residential Medium Density	130	80	70
PRD	Planned Residential	A*	A*	A*
NCD	Neighborhood Commercial	130	100	90
TPUD	Transitional Planned Unit Development	A*	A*	A*
POD	Planned Office	A*	A*	A*
PCD	Planned Commercial and Office	A*	A*	A*
OCPUD	Old Cheshire Planned Unit District	A*	A*	A*
I	Industrial	130	130	100
PID	Planned Industrial	A*	A*	A*
A-1	Agricultural Conservation	130	100	90

A\*: As Approved in the development plan.

**Note:** No building or use except signs or parking areas as permitted in Article 24 or 25 of this Resolution shall be permitted closer than eighty (80) feet to the nearest right-of-way line of US 23 or US 36-37.

### SECTION 24.06: DRAINAGE

All construction within Berlin Township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required, every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or subservient properties is maintained or improved.

In no event shall any person interfere with any existing tile or surface drainage channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties. All drainage conditions must adhere to and be approved by the Delaware County Soil and Water Conservation District.

**The Applicant will comply with this Section. See the Development Plan.**

### SECTION 24.07: CUL-DE-SACS

The size of all Cul-de-sacs shall meet or exceed the current Delaware County standard.

**Cul-de-sacs and/or other turnaround provisions will comply with Delaware County standards.**



## **SECTION 24.08: WATER IMPOUNDMENTS**

All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

**The Applicant will comply with this Section. See the Development Plan.**

- A.) No impoundment shall be located closer than twenty-five (25) feet to the nearest right-of-way or fifty-five (55) feet of the center line of any adjacent approved road.
- B.) Except for those impoundments located within the FR-1 or A-1 district, no impoundment shall be located in the front yard in any district except upon issuance of a conditional use permit pursuant to Article 32 of this Resolution or as approved in plans of development or approved subdivision plans.

## **SECTION 24.09: DRIVEWAY REGULATIONS**

It being considered important that driveways serving any property or use be constructed in a manner which ensures access by emergency vehicles and the free and safe flow of traffic from public streets or roads, the following standards are required for such driveways:

- A.) All driveways (any use): In addition to the conditions or specifications imposed in subsections (B) or (C) hereinafter established the following specifications are required for all driveways, regardless of the use served:
  - 1.) Driveway shall not have a grade, up or down, from the public road pavement level exceeding eight percent (8%) for a minimum of twenty-five (25) feet.

**The Applicant will comply with this Section.**

- 2.) Driveway shall not contain a grade exceeding ten percent (10%) at any point over its entire length.

**The Applicant will comply with this Section.**

- 3.) At the point the driveway intersects the public road, the same shall have such radii and drain pipe as specified or required by the governmental agency (State, County or Township) which controls the public roadway. Drainage pipes shall be a minimum of twelve (12) inches in diameter and should be sized to handle a five (5) year storm.

**This property/ amendment does not front on to a public road. This amendment is an extension of uses located to the north of a development that was approved by Berlin Township, DCEO and ODOT in 2003. The Applicant will comply with this Section.**

- 4.) If the driveway leaves the public road on an up-grade the design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.

**This property/ amendment does not front on to a public road. This amendment is an**

**extension of uses located to the north of a development that was approved by Berlin Township, DCEO and ODOT in 2003. The Applicant will comply with this Section.**

- 5.) If any driveway crosses a drainage swale, stream or ditch the same should be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five-year storm. All pipes shall be a minimum of thirty (30) feet long and shall be of sufficient length to extend not less than three (3) feet beyond the toe of the slope of the fill over said pipe unless a properly designed head-wall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch shall be designed and approved by a Professional Engineer. No bridge should be less than twelve (12) feet in width. If the driveway serves a commercial or industrial use, the bridge should be not less than eighteen (18) feet in width.

**The Applicant will comply with this Section.**

- 6.) If fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two-by-one slope. All fill areas shall be scalped of vegetation and excavated to load-bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and should be compacted to a density of ninety-five percent (95%) proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guardrails or barriers shall be installed when necessary to create safe conditions.

**The Applicant will comply with this Section.**

- 7.) Drainage ditches, as necessary, shall be constructed parallel to said driveway; such ditches should be graded to a good and sufficient outlet. Siltation control should be placed in any ditch, and such siltation should not flow to roadside ditches along public roads. All drainage conditions must adhere to and be approved by the Delaware County Soil and Water Conservation District.

**The Applicant will comply with this Section.**

- 8.) All curves in the driveway shall be of sufficient radius (not less than fifty (50) feet centerline) to permit unhindered passage of public safety vehicles including fire vehicles and all other vehicles reasonably expected to utilize the same.

**The Applicant will comply with this Section.**

- 9.) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.

**The Applicant will comply with this Section.**

- 10.) Obstructions on the prevailing wind-ward side of the driveway which contribute to drifting snow shall be removed when possible.

**The Applicant will comply with this Section.**

- 11.) An adequate open area shall be provided at the end of the driveway to allow emergency and fire vehicles to turn around.

**The Applicant will comply with this Section. The Applicant will work with the Berlin Township Fire Department to provide adequate area for emergency vehicle access and turnaround abilities.**

- 12.) The first phase of any construction project shall be the construction of a driveway of aggregate to provide off-street parking for construction vehicles and to prevent tracking dirt onto the public roadway.

**The Applicant will comply with this Section**

- B.) Residential Driveways: In addition to the conditions imposed by Section 24.09(A) previously set forth, the following standards are required for driveways serving residential structures or uses:

**This application does not include residential uses.**

- 1.) Driveways serving individual residential structures shall not be less than ten (10) feet in width and shall be constructed over an aggregate base of reasonable depth.
- 2.) If the driveway serves two (2) or more residences, the same shall be twelve (12) feet in width and shall be constructed over an aggregate base of reasonable depth.
- 3.) If any residential driveway is over five-hundred (500) feet in length, widened paved passing areas at least fifteen (15) feet in width shall be provided at reasonable intervals, not more than three-hundred (300) feet distance from each other, to permit the free passage to traffic over said drive.
- 4.) Dust control shall be provided on an "as needed" basis.

- C.) Commercial, Industrial, Public Facility and Apartment Complex Driveways: In addition to the conditions required by Section 24.09(A) previously set forth, the following standards are required for driveways serving all commercial and industrial uses and apartment complexes containing 10 or more units and served by a common parking area:

**The Applicant will comply with this Section**

- 1.) Driveways shall be not less than twenty (20) feet in width.
- 2.) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
- 3.) The finished surface of the driveway shall be hard-surfaced and may be of any Ohio Department of Transportation approved materials.

**The existing driveway found in front of the existing Foor Office Structure is concrete. The Applicant proposes to continue this drive and drive materials to the access of the parking area for the Recreation Structure. The extension of the drive beyond the Recreation parking access, to the northern Storage Structure uses, will be stone with the base and cross section constructed to meet or exceed standards to accommodate for emergency vehicle access.**

#### **SECTION 24.10: STRUCTURES IN THE RIGHT-OF-WAY**

No structures shall be permitted to be placed in the right-of-way except mail boxes which shall be designed to be "break-away" to prevent traffic hazards.

**The Applicant will comply with this Section. There are no structures proposed in the right-of-way in this zoning amendment.**

#### **SECTION 24.11: CONSTRUCTION DEBRIS OR REFUSE**

Upon the initiation of construction, a steel container must be provided on site for the containment and the regular disposal of construction debris and refuse. Said container must be emptied monthly or when full.

**The Applicant will comply with this Section.**

#### **SECTION 24.12: INSTALLATION OF SATELLITE SIGNAL RECEIVING STATIONS**

Installation of dish type satellite signal receiving stations shall be governed by this Article and the following regulations shall be imposed:

**The Applicant will comply with this Section.**

- A.) This section does not apply and no permit for installation of a dish shall be required for a dish measuring one (1) meter or thirty-nine and thirty-seven one-hundredths (39.37) inches or less in diameter.
- B.) No installations may be made forward of the rear building line of the principal structure and no antenna or no part of a dish shall be placed nearer than twenty (20) feet to any property line.
- C.) No dish shall be placed on the roof of any residential structure and the top of the dish may not exceed twelve (12) feet above the natural grade.
- D.) No dish shall be installed on the roof or mounted more than six (6) feet above the natural grade in a commercial or industrial district, unless the mounting of the same is designed to withstand a wind force of eighty-five (85) miles per hour and a certificate is furnished to the Zoning Inspector, signed by a licensed and qualified engineer, that the installation is in conformity to the above limitations.
- E.) No dish over twelve (12) feet in diameter shall be permitted in a residential district.

#### **SECTION 24.13: LIGHTING REGULATIONS**

- A.) General Requirements: All lighting shall be controlled to avoid shining on the neighboring properties or into the sky. Examples of ways in which this shall be accomplished:

**Lighting is not included in this application.**

- 1.) Using light fixtures on which the light source is directed and fully shielded or covered;

- 2.) Direct light fixtures downward rather than upward;
  - 3.) Shielding the light in such a manner that the light emitting portion of the fixture does not shine onto adjacent property.
  - 4.) Searchlights are prohibited under any condition.
- B.) Specific Requirements:
- 1.) Where used for security purposes or to illuminate walkways, roadways, equipment yards, and parking lots, only fully shielded style outdoor light fixtures shall be used.
  - 2.) Where used for signs, decorative effects, or recreational facilities, such as for building landscaping or sports-field illumination, the outdoor light fixtures shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.
  - 3.) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet above the surrounding grade.
- C.) Exemptions:
- 1.) All outdoor light fixtures producing light directly from fossil fuel, such as kerosene lanterns or gas lamps.
  - 2.) All low-voltage lighting and holiday lighting.
  - 3.) Flag poles bearing the insignia of the United States and/or the State of Ohio.

#### **SECTION 24.14: STREET SIGN POLES**

All street sign poles shall be made of galvanized steel or comparable non-biodegradable material.

**This zoning amendment application does not propose any street signs or poles.**

#### **SECTION 24.15: LIMITED HOME OCCUPATION**

A limited home occupation (business) shall be permitted within a dwelling in all residential zoning districts (not in detached garages or pole barns) in accordance with the following provisions:

**This zoning amendment application does not propose any home occupation uses.**

- A.) The home occupation does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit or two hundred (200) square feet, whichever is larger.
- B.) Requirements:
  - 1.) The appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or unauthorized signs. A home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.
  - 2.) There are no non-resident employees.

- 3.) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, computers, wireless phones or hand held wireless transmitting devices off the premises, or causes fluctuations in line voltage off the premises.
- 4.) There shall be no outside storage of any kind.
- 5.) Specialized instruction or tutoring shall be limited to one (1) individual at a time.
- 6.) No traffic shall be generated in substantially greater volumes than would be generated by a single family home.
- 7.) No direct, face to face sales to the public on site.
- 8.) There shall be no signs permitted.

#### **SECTION 24.16: EXPANDED HOME OCCUPATION (BUSINESS)**

It is recognized that there may be some Home Occupations which do not meet the criteria of Section 24.15 but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure conducted by the Board of Zoning Appeals (BZA). Deviation from any of the following standards may be reason for the BZA to deny the application or limit the number of non-resident employees.

Prior to any approval for a conditional use permit, the BZA shall determine that because of the location and orientation of the residence and property in question, the proposed business use will not become a detriment to the existing residential character of the property or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals. The conditional use permit applies to the applicant and will expire upon sale of said property.

A business plan outlining the specifics of said business such as hours, traffic and other potential detrimental or enhancing values to surrounding properties and neighbors shall be submitted for review. The BZA may deny the application or limit the number of employees if the plan indicates that the business will be detrimental to the existing, prevailing residential character of the neighborhood. This plan shall be used to help evaluate the following items.

#### **This zoning amendment application does not propose any home occupation uses.**

- A.) The home occupation shall be carried on within the confines of the residential structures within zoning districts that specifically list an Expanded Home Occupation as a Conditional Use and/or within architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.
- B.) There can be up to three non-resident employees as determined by the Board of Zoning Appeals. The BZA determination will be based on the following criteria and their potential impact on the neighborhood:
  - a.) Property size and shape, and layout of proposed business and parking.

- b.) Building and parking set-backs from property lines, and distance from surrounding properties.
- c.) No non-resident employees shall be allowed for properties less than three-quarters (3/4) of an acre in size.
- C.) No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street.
- D.) Only one sign may be erected advertising the home occupation. The sign may be mounted flat against a building or on a pole in the front yard. The sign shall be of a design compatible with the residential character, shall not be animated or lighted, and shall comply with the requirements as specified in Article 25, Section 25.02(B).
- E.) All parking demands created by the conduct of a home occupation shall be met with parking located off the street and other than in a front yard. Off-street parking may be permitted in a side yard or rear yard, but shall not be located any closer to the street than the required setback line. Parking surface shall be consistent with the materials used for the surfaces of parking and driveways of the surrounding properties. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces.)
- F.) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers, computers, hand held wireless devices or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- G.) Solid or liquid waste materials shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware General Health District and do not create a burden on adjoining property.
- H.) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- I.) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty percent of the total floor area of the dwelling unit shall be used in the conduct of the home occupation nor more than fifty percent of the floor space of any garage or accessory building.
- J.) No traffic shall be generated in substantially greater volumes than would be generated by a single family home.

# ARTICLE 26 LANDSCAPING

## SECTION 26.01: PURPOSE

The intent of this article is to improve the appearance of vehicular use areas and property abutting public right-of-ways; to require buffering between non-compatible land uses; and to protect, preserve and promote the aesthetic appeal, character and value of the surrounding neighborhoods; to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial glare.

It is further the purpose of this article to specifically promote the preservation and replacement of trees and significant vegetation removed in the course of land development as a buffer between certain land uses to minimize nuisance.

## SECTION 26.02: APPLICATION

- A.) **New Sites:** No certificate of zoning compliance shall be issued for any site development or the construction or improvement of any building, structure, or vehicular use except where landscaping for such development has been approved as required by the provisions of this Article. Farm residential uses and agricultural conservation uses shall be exempt from the requirements of Section 26.03(D)(2), but all other requirements of this Article shall apply.
- B.) **Existing Sites:** No building, structure, or vehicular use area shall be constructed or expanded unless the minimum landscaping required by the provisions of this article is provided to the property to the extent of its alteration or expansion and not for the entire property of which the alteration or expansion is a part unless the alteration or expansion is substantial. An alteration or expansion to an existing property is substantial when:
- 1.) In the case of a building or structure expansion which does not involve additional land, the square footage of the alteration or expansion exceeds twenty-five percent (25%) of the square footage of the existing building exclusive of the alteration or expansion, and
  - 2.) In the case of an alteration or expansion involving both an existing building or structure and additional land, and, as applicable, additional structures or buildings, the area or square footage of the expanded or altered land or structure or building, respectively, exceeds twenty-five percent (25%) of the area or square footage of the existing land or structure or building respectively, exclusive of alteration or expansion.
  - 3.) "Land," as used herein, includes land used for space, parking or building purposes.

## SECTION 26.03: MINIMUM LANDSCAPING REQUIREMENTS

This section describes the minimum requirements that shall be met in regards to perimeter landscaping for non-compatible land use areas landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of land.

- A.) **Perimeter Landscaping Requirements:** Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy percent (70%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall, or earth mound within four years after installation. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use area.
- 1.) **Property Perimeter Requirements:**



- a.) Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.

**The adjacent uses to this amendment property are agriculture/ farm to the west; agriculture/ farm to the north; commercial/ construction materials storage to the east; and single family to the north east. The perimeter of this amendment property is surrounded by fence rows and wooded areas. The summer and winter opacities resulting from the wooded areas and fencerows meets this Section.**

**The Applicant will comply with this Section that all pervious areas not used for landscape beds will be grass or ground cover.**

	A.	B.	C.	D.
	When the following	adjoins the following or (vice versa)	the minimum landscaping (within a buffer zone of this average side width (with 3 ft. as the least dimension) is required. See footnote **.	which will contain this material, to achieve opacity required.
1.	Any Residential Zone	Mobile Home Park	10 ft., adjacent to all common boundaries including street Frontage.	1 tree/40 ft. of lineal boundary, OFT (*) continuous 6 ft. high planting, hedge, fence, wall or earth mound.
2.	Any Residential	Any Office Zone	6 ft., adjacent to all common boundaries except street frontage.	1 tree/40 ft. of lineal boundary, OFT (*) continuous 6 ft. high planting, hedge, fence, wall or earth mound.
3.	Any Residential Zone	Any Commercial Use	10 ft., adjacent to all common boundaries except street frontage.	1 tree/40 ft. of lineal boundary, OFT (*) continuous 6 ft. high planting, hedge, fence, wall or earth mound.
4.	Any Residential Zone	Any Industrial Use	15 ft., adjacent to all common boundaries except street frontage.	1 tree/40 ft. of lineal boundary, OFT (*) continuous 6 ft. high planting, hedge, fence, wall or earth mound.
5.	Any Office or Commercial Use	Any Industrial Use	15 ft., adjacent to all common boundaries except street frontage.	1 tree/40 ft. of lineal boundary, OFT (*) continuous 6 ft. high planting, hedge, fence, wall or earth mound.

	A.	B.	C.	D.
6.	Any zone (unless the property within the zone is used for vehicular sales or service) Except Agricultural Zone	A Freeway or Arterial Street	20 ft. for residential zones and 10 ft. for all other zones adjacent to freeway or arterial	1 tree/30 ft., OFT (*), plus continuous 6 ft. high planting, hedge, wall, fence or earth mound.
7.	Any Zone except Agricultural and Industrial Zones	Railroad (except spur tracks)	20 ft. for residential zones and 10 ft. for all other zones adjacent to freeway or arterial	1 tree/30 ft., OFT (*), plus continuous 6 ft. high planting, hedge, wall, fence or earth mound.
8.	Any property boundary, Including road or street right-of- ways	Utility sub-station, junk yards, landfills, sewage plants or similar uses	15 ft. adjacent to all boundaries except only 5 ft. for utility substations measured adjacent to the enclosure	1 tree/30 ft., OFT (*), plus continuous 6 ft. high planting, hedge, wall, fence or earth mound.
9.	Any property used for vehicular sales or service	a freeway or arterial	10 ft. adjacent to freeway or arterial	1 tree/50 ft., plus 1 low shrub/10 ft. OFT (*) opacity requirements do not apply) for the first 300 linear feet of easement; if an easement for the property exceeds 300 ft. in length, then the remaining easement shall contain 1 tree/30 ft. OFT, plus a continuous 6 ft. high wall, hedge, planting, or earth mound.

\*"OFT" means "OR FRACTION THEREOF". Trees do not have to be equally spaced, but may be grouped.

\*\*Six (6) feet shall be the least dimension for any commercial or industrial zone with three (3) feet as the least dimension for any other district.

## 2.) **Vehicular Use Area (VUA) Perimeter Requirements:**

A vehicular use area (VUA) is any open or unenclosed area containing more than one-thousand eight-hundred (1800) square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas.

Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or roads or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. Do not eliminate adjacency.

Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.

		A.	B.	C.
	When the following	Adjoins the following or vice versa	the minimum landscape buffer zone of this width is required,	which will contain this material, to achieve opacity required
1.	Any property in any zone	any vehicular use areas (VUA) on any (see note 1) on any adjacent property	4 ft. Minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for areas adjacent to VUA on adjacent property	1 tree/40 ft. of boundary of vehicular area, plus a 3 ft. average height continuous planting, hedge, fence, wall or earth mound.
2.	Any public street or private street right-of-way or service road, except freeways.	any VUA, (except vehicular sales facility) in any zone	4 ft. Minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for areas adjacent to VUA facing public or private street or road	1 tree/40 ft. Or private OFT(*), plus a 3 ft. Average height continuous planting, hedge, fence, wall or earth mound
3.	Any public street or private street right-of-way or service road, except freeways.	any vehicular Sales or service area	4 ft. Minimum to all trees from edge of paving where vehicles overhang, and 3 ft. strip that prohibits any vehicular overhang for areas adjacent to VUA facing public or private street or road.	1 tree/50 ft. OFT(*), plus 1 low shrub 10 ft. OFT (*) (opacity requirements do not apply)

\*\*"OFT" means "or fraction thereof".

**The Vehicular Use Areas (VUA's) of this amendment will include a 6' full opacity wood fence along the east side of the Recreation Structure's parking and Storage Access areas (the vehicular use areas in this amendment). Likewise, one tree will be installed every 40' l.f. along the east side of these VUA's. See the Landscape Plan for the fence and tree planting locations.**

- 3.) **Landscape Buffer Zone:** The landscape buffer zone and material required adjacent to any street under this article shall be provided by the property owner adjoining street, unless the authority building the street right-of-way. When adjacent to other common boundaries, the landscape buffer zone and materials:
- a.) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or
  - b.) Generally be placed on the activity listed under property perimeter requirement chart, column B and vehicular use area perimeter chart, column b when adjoining parcels have different owners; or
  - c.) May be placed astride the boundary of adjoining parcels having different owners if a

written agreement, signed by both owners, is filed with the Township Zoning Office, as a public record; or

- d.) Shall be placed on the parcel being processed when adjoining property is already developed with the exception of property perimeter requirement chart, lines 6 and/or 9; or
  - e.) Shall not be required along the common boundary if the requirements of this article have been fully complied with on the adjoining property, in fulfillment of the requirements of this article.
- 4.) **Requirements Conflicts:** Wherever a parcel or activity falls under two or more of the categories listed in the tables the most stringent requirements shall be enforced.
  - 5.) **Landscape Buffer Zone Conflicts:** The required landscape buffer zone may be combined with a utility easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half (2-1/2) feet, and wheel stops or curbs shall be required.
  - 6.) **Existing Landscape Material:** Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this article.
  - 7.) **Landscaping at Driveway and Street Intersections:** To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, neither landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight (8) feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections.
    - a.) **Driveway Intersection Triangle:** At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and a distance of ten (10) feet along the driveway to a point and a distance of twenty (20) feet along the street curb to a point connecting these points.
    - b.) **Street Intersection Sight Triangle:** At the street intersections, the sight triangle shall be formed by measuring at least fifty (50) feet along curb lines or edge of pavement and connecting these points.
- B.) **Interior Landscaping for Vehicular Use Areas:** Any open vehicular use area, excluding loading, and unloading and storage areas in an industrial zone or business zone, containing more than six-thousand (6000) square feet of area, or twenty (20) or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.

- 1.) **Landscape Area:** For each one-hundred (100) square feet or fraction thereof, of vehicular use

area, a minimum total of five square feet of landscaped area shall be provided.

- a.) Minimum Area - The minimum landscape area permitted shall be sixty-four (64) square feet with a four (4)-feet minimum dimension to all trees from edge of pavement where vehicles overhang.
- b.) Maximum Contiguous Area - In order to encourage the required landscaped areas to be properly dispersed, no individual areas shall be larger than three-hundred fifty (350) square feet in size, and no individual area shall be larger than 1500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

- 2.) **Minimum Trees:** The following minimums are required, based upon total ground coverage of structures and vehicular use areas.

### Tree Calculations

#### Impervious Area:

- |                                   |             |
|-----------------------------------|-------------|
| • 3 Structures @ 11,200 s.f. each | 33,600 s.f  |
| • Storage Access Area             | 21,000 s.f. |
| • Recreation Parking Area         | 20,930 s.f. |

---

<b>Total Impervious Area:</b>	<b>75,530 s.f.</b>
-------------------------------	--------------------

#### Trees Requirements:

- |   |                        |
|---|------------------------|
| • 1 tree/ 5,000 s.f.  | 16 trees               |
| • 25 inches of tree caliper, plus<br>1/2"/4000 s.f over 50,000 s.f. | 31-1/2" caliper inches |

**The Applicant will comply with this Section. See the Landscape Plan.**

- a.) Up to 20,000 square feet: a minimum of one (1) tree per 5000 square feet of ground coverage and, a total tree planting equal to one (1) inch in tree trunk size for every 2000 square feet of ground coverage.
- b.) Between 20,000 and 50,000 square feet: a minimum of one (1) tree for every 5000 square feet of ground coverage and, a total tree planting equal to ten (10) inches plus one-half (1/2) inch in tree trunk size for every 2000 square feet over 20,000 square feet in ground coverage.
- c.) Over 50,000 square feet: A minimum of one (1) tree for every 5000 square feet of ground coverage and , a total tree planting equal to twenty-five (25) inches plus one-half (1/2) inch in tree trunk size for every 4000 square feet over 50,000 square feet in ground coverage.
- d.) Trees shall have a clear trunk of at least five (5) feet above the ground, and the

remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

- 3.) **Vehicular Overhang:** Parked vehicles may hang over the interior landscaping area no more than two and one-half (2-1/2) feet long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscape area.
- A.) **Landscaping for Service Structures:** Any service structure, or accessory use structure, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone, freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.

**The Storage Structures and the Recreation Structure will keep their trash inside the structure.**

- 1.) **Location of Screening:** A continuous (having ninety percent (90%) opacity year round) planting, hedge, fence, wall of earth, which would enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed ten (10) feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height, sufficient to meet the height requirement set out in this section. Whenever service structures are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service structures.
- 2.) **Curbs to Protect Screening Material:** Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.
- B.) **Interior Landscaping for All New Developments:** All new developments, regardless of type and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.
  - 1.) **Preservation of Existing Landscape Materials:** All trees having a trunk diameter of six (6) inches or greater as measured twenty-four (24) inches from ground level shall be preserved unless such trees are exempted as follows:

**The development of this amendment is located in the central region of the site currently used for agricultural purposes. The existing trees located within the perimeter fencerows will be preserved except for specific areas where utilities must be routed.**

- a.) Trees within public rights-of-way or utility easements, or a temporary construction easement approved by the County Engineer.

- b.) Trees within the ground coverage of proposed structures or within twelve (12) feet of the perimeter of such structure.
- c.) Trees within the driveway access to parking or service areas or proposed areas to service a single family home.
- d.) Trees that in the judgment of the township authority are damaged, disease, over-mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

It is encouraged that exempted trees subject to destruction be preserved by relocating and replanting of such trees.

**Preservation of Wooded Areas:** It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.

2.) **Tree Planting Requirements:**

- a.) For all new development the following landscape requirements shall apply:

USE	REQUIREMENTS
PRD DISTRICTS, R-2 and R-3	There shall be tree plantings equal to one-half (1/2) inch in tree trunk size for every 150 square feet in ground coverage by a single-family structure. Such plantings shall be required within the property lot lines of each structure.
Business and Community Shopping Uses per lot	In addition to the requirements of Section 23.03 (G) for vehicular use areas, the following shall apply: There shall be landscaped areas equal to 20 square feet for every 1000 square feet of building ground coverage area, or fraction thereof. Such landscaping areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches, or other material designed and located in a manner complimentary to the overall architecture to the surrounding buildings.
Office, Institutional	In addition to the requirements of sub-section (G) Uses hereof, for vehicular use areas, the following shall apply: there shall be tree plantings equal to one inch in tree size for every 1500 square feet of building ground coverage, of fraction thereof.
Industrial Uses	In addition to the requirements of sub-section (G) hereof, for vehicular use areas, the following shall apply: There shall be tree plantings equal to one inch in tree size for every 2000 square feet of building ground coverage, or fraction thereof.

**Landscape area Requirements:**

- **20 s.f. landscape area pre 1,000 s.f. of structure area:**

**33,600 s.f. = 672 s.f. landscape area**

**Planting sizes:**

**All deciduous trees, such as oaks, maples, birches and honeylocusts, will be 2" caliper (min.). All flowering trees, such as serviceberries, crabapples, and redbuds, will be 6'-7' in height (min.). All evergreen trees will be 6'-7' in height (min.). All shrubs will be #3 container (min.). Groundcover shrubs, such as the groundcover junipers, will be #1 container (min.). Groundcover, such as purple wintercreeper, and vinca, will be 2-1/4" peat pots (min.).**

- b.) **Parking Lots:** See Section 26.03 (B).
- c.) No new tree planting shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this article and providing that such trees are evenly distributed throughout the developed area and not confined either to out-of-the-way dense clusters or to the permeate of developed area. The minimum tree size for such tree plantings shall be no less than one and one-half (1-1/2) inch in trunk diameter.
- d.) For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such tree landscape plan is approved, the applicant or owner shall plant such trees as may be required within one (1) year or the next spring planting season after issuance of a zoning permit.

**SECTION 26.04: PLAN SUBMISSION AND APPROVAL**

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan. Where such plans are part of an application for rezoning, variance, conditional use or other matters which must be approved by the Township Zoning Commission or Township Board of Zoning Appeals, such plans shall be submitted as part of the required application and other required plans. All other landscape plans shall be approved by the Township Zoning Department.

A.) **Plan Content:** The contents of the plan shall include the following:

- 1.) Plot plan, drawn to an easily readable scale no smaller than one (1) inch equals sixty (60) feet; showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, location or structures on adjoining parcels, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and qualities for all plants used and all existing trees.
- 2.) Typical elevations and/or cross sections are required.
- 3.) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orientation plan so that north is to top of plan and zoning district.

B.) **Zoning Permit and Certification of Compliance:** Where landscaping is required, no zoning permit shall



be issued until the required final landscaping plan has been submitted and approved and no certificate of compliance shall be issued until landscaping is completed as certified by an on-site inspection by the zoning department, unless a performance bond, or irrevocable letter of credit from a banking institution, has been posted. If the required landscaping has not been completed and a temporary certificate of compliance is issued, a performance bond or irrevocable letter of credit from a banking institution shall be posted at that time.

The final landscaping plan as submitted to the township zoning inspector shall include the following information:

- 1.) Plot plan, drawn to an easily readable scale no smaller than one inch equal sixty (60) feet; showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, etc., location of structures on adjoining parcels, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and qualities for all plants used and all existing trees.
  - 2.) Typical elevations and/or cross sections are required.
  - 3.) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orientation plan so that north is to top of plan and zoning district.
- C.) **Posting of Bond or Irrevocable Letter of Credit:** After a posting of bond or an irrevocable letter of credit has been approved, the landscaping material required in the approved landscaping plan shall be installed within six (6) months after the date of posting the bond or irrevocable letter of credit. A one (1) month extension of the planting period may be granted by the zoning department upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant material. No more than three (3) such one (1) month extensions may be granted. Foreclosure proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

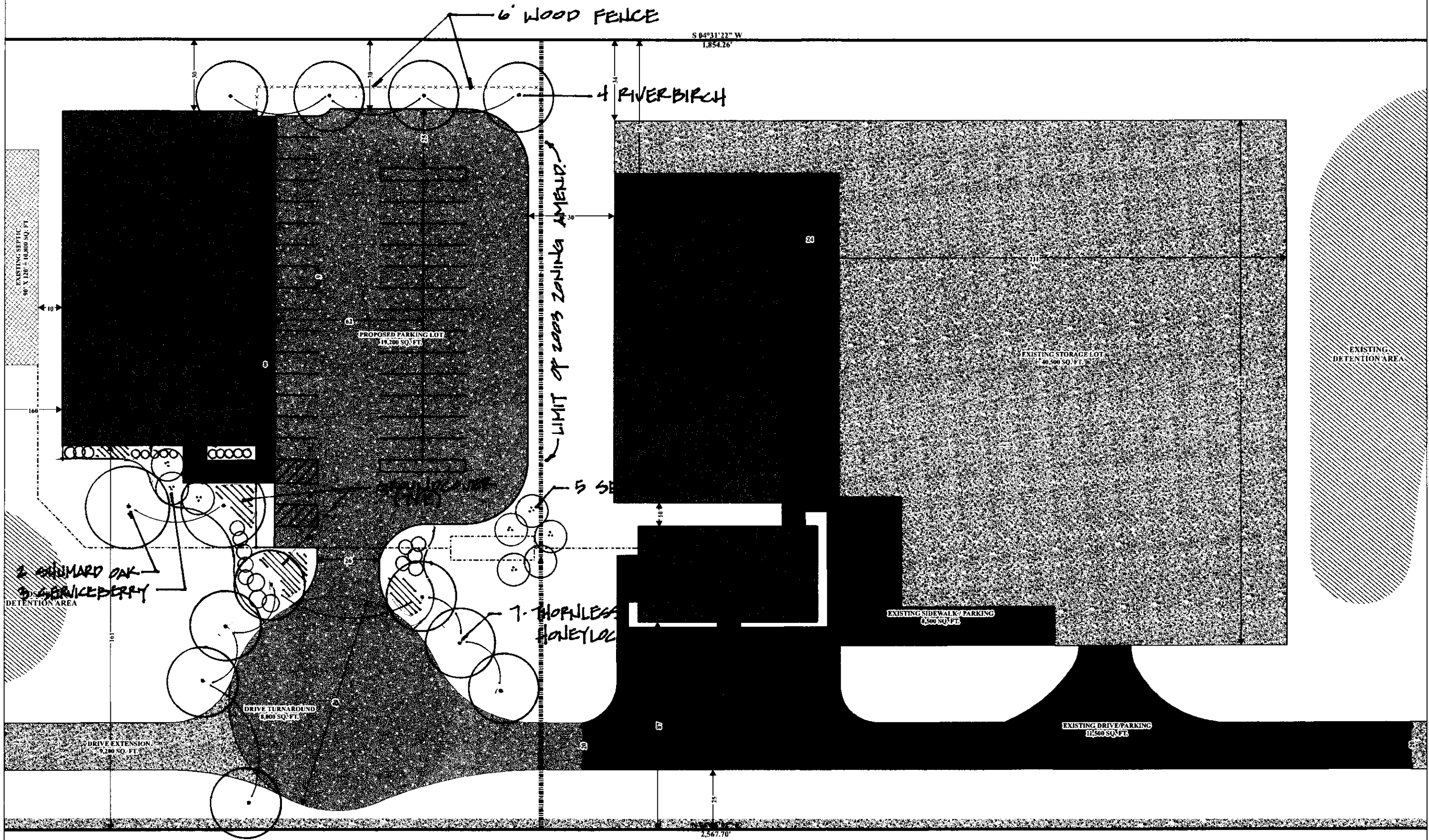
## SECTION 26.05: LANDSCAPE MATERIALS

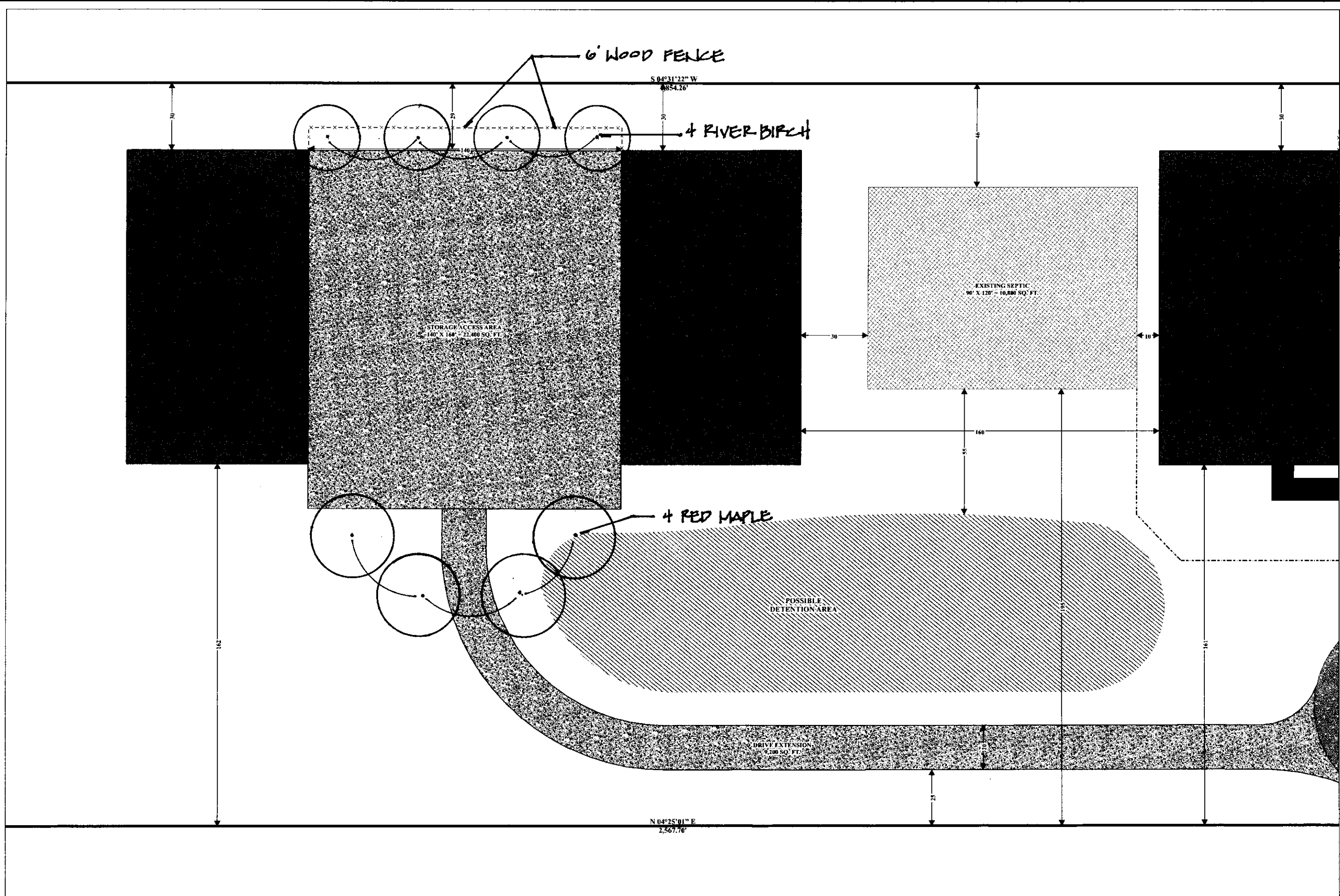
The landscaping materials shall consist of the following and are described in more detail in the plant list on file in the zoning office. The proposed landscape material should complement the form of the existing trees and plantings, as well as the development's general design and architecture. The type of sun or shade should be considered in selecting plant materials.

- A.) **Earth Mounds:** Earth mounds shall be physical barriers which block the view to a hedge, fence, or wall. Mounds shall be constructed with proper and adequate plant materials to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as fulfilling any screening requirements.
- B.) **Plants:** Artificial plants are prohibited. All plant material shall be living plants and shall meet the following requirements:
  - 1.) **Quality:** Plant material used in conformance with provisions of this chapter shall conform to

the standards of the American Association of Nurserymen and shall pass inspections required by state regulations.

- 2.) **Deciduous Trees:** Trees which normally shed their leaves in the fall shall be species having an average mature crown spread greater than fifteen (15) feet in central Ohio and having trunks which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) feet clear wood requirements shall control. Trees having a mature crown spread less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) feet crown spread. A minimum of ten (10) feet overall height or a minimum caliper, trunk diameter, measured six (6) inches above ground for trees up to four (4) inches of at least one and three-fourths (1-3/4) inches immediately after planting shall be required. Trees of species whose root systems are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works.
  - 3.) **Prohibited Trees:** Shall be those currently listed on Berlin Township's prohibited tree list.
  - 4.) **Evergreens:** Evergreens shall be a minimum of five (5) feet high with a minimum caliper of one and three-fourths (1-3/4) inches immediately after planting.
  - 5.) **Shrubs and Hedges:** Shall be at least two (2) feet in average height and shall conform to the opacity and other requirements within four (4) years of planting.
  - 6.) **Grass or Ground Cover:** Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in central Ohio, and may be sodded or seeded: except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise obtained. Ground cover shall be planted in such a manner as to present a finished appearance and seventy-five percent (75%) of complete coverage after complete growing seasons.
- C.) **Maintenance and Installation:** All landscape material shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first: while other defective landscape material shall be replaced or repaired within three (3) months. Violation of these installations and maintenance provisions shall be grounds for the zoning inspector to refuse a certificate of compliance permit or institute legal proceedings, or to take any other enforcement action as allowed by this zoning resolution or Ohio law.





**LANDSCAPE DETAIL**

Property boundary based on survey of record, by Samuel W. Vance of Vance Surveying, Delaware County Recorder's Office, May 12, 2001. Existing conditions based on 2021 Aerial Photograph, Delaware County Auditor's DALIS Project.



**LANDSCAPE PLAN  
FOOR PROPERTY NORTH**

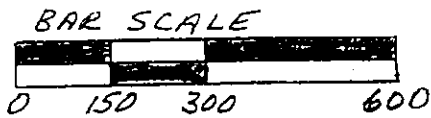
5361 State Route 37 East, Delaware, OH 43015  
Parcel No. 418-120-01-056-001 | 19.943 acres  
Berlin Township, Delaware County, Ohio

**Applicant:** Archie E. Foor Jr. and Jeanine A. Foor  
5361 St. Rt. 37 East, Delaware, OH 43015  
**Jurisdiction:** Berlin Township Zoning Commission  
3271 Cheshire Road, Delaware, OH 43015  
**Prepared by:** J. Anthony Eyerman, Eyerman Planning Associates, LLC  
1907 River Rd., Delaware, OH 43015 | (614) 420-5547  
**Drafted by:** Plan 4 Land, LLC  
1 South Harrison Street, Ashley, OH 43003  
**Date:** 04/05/2024



SURVEY FOR  
WILLIAM POAST  
RANGE 18, TOWNSHIP 4, SECTION 1, FARM LOTS 18, USML,  
BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO

Scale 1" = 300' Date 5-12-01 P.B. P. D.V. 532 P. 206 Drawn By S.W.V.



BETTY JANE JONES (D.V. 590 P. 43)  
S86°12'25"E  
335.17'

LOT 17

LOT 18

817.13'  
54°36'49"W  
DANIEL HOELZER  
(D.V. 565 P. 229)

LEE KUN ROH (D.V. 510 P. 605)

2567.70'

19.943  
ACRES

1854.26'

54°31'22"W

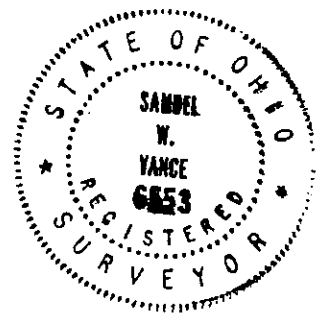
BORTMAN, INC. (D.V. 608 P. 718)

N4°25'01"E

131.47' LT  
831+29.09

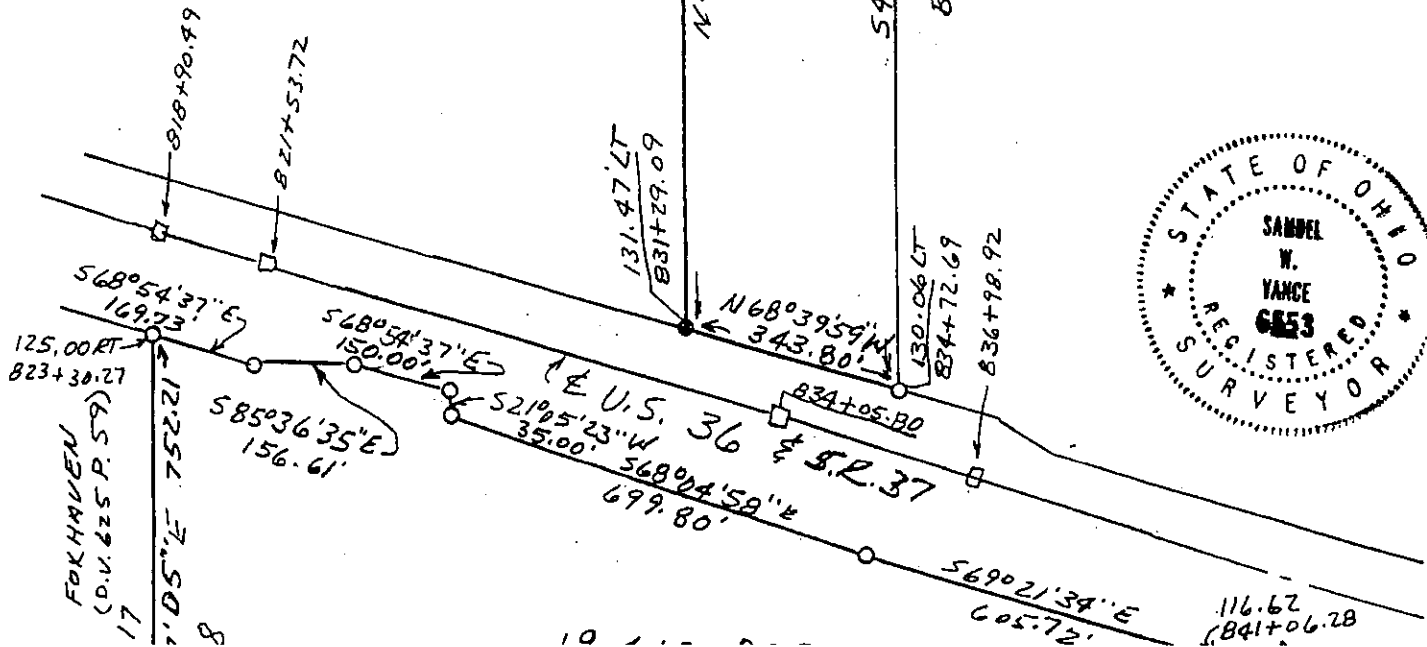
130.06' LT  
834+72.69

836+98.92



LEGEND

- CONCRETE MONUMENTS FD.
- POST
- IRON PIPE FOUND
- △ STONE FOUND
- 3/4" X 30' IRON PIPE SET



U.S. RTE 36 PLANS

VS

VANCE SURVEYING

28 CLINTON ROAD  
MOUNT VERNON, OHIO 43050-1157  
740-397-6296

SAMUEL W. VANCE, PS

SAMUEL R. VANCE, PS

DESCRIPTION 19.943 ACRE TRACT

Being situated in Farm Lot eighteen (18), Range eighteen (18), Township four (4), Section one (1), United States Military Lands, Berlin Township, Delaware County, State of Ohio and being part of that land of record in Deed Volume 532 Page 206 in the Delaware County Recorder's Office and being more particularly described as follows;

Beginning at a stone found at the northwest corner of Farm Lot eighteen;

Thence from the place of beginning South 86 degrees 12 minutes 25 seconds East along the north line of Lot 18, the southerly boundary of Betty Jane Jones (D.V. 590 P. 43), a distance of 335.17 feet to a stone found;

Thence South 04 degrees 36 minutes 49 West along the westerly boundary of Daniel Hoelzer (D.V. 565 P. 229) a distance of 817.13 feet to an iron pipe found;

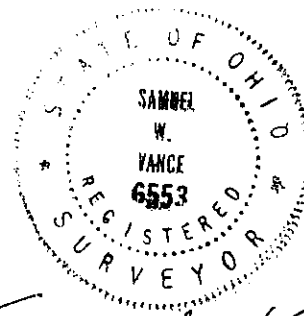
Thence South 04 degrees 31 minutes 22 seconds West along the westerly boundary of Boatman, Inc. (D.V. 608 P. 718) a distance of 1854.26 feet to a  $\frac{3}{4}$  inch iron pipe set on the north line of U.S. Route 36 at 130.06 feet right of centerline station 834+72.69;

thence North 68 degrees 39 minutes 59 seconds West along the north line of US Route 36 a distance of 343.80 feet to an iron pipe found at 131.47 feet right of centerline station 831+29.09;

thence North 04 degrees 25 minutes 01 seconds East along the west line of Farm Lot 18, the easterly boundary of Lee Kun Ron a distance of 2567.70 feet to the place of beginning - containing 19.943 acres, more or less.

Subject to all legal right-of-way of previous record.

The above described parcel was prepared by me, Samuel W. Vance, from a survey made in May, 2001. Bearing Basis from U.S. Route 36 Road Plans. All pins set are  $\frac{3}{4}$  inch by 30 inch iron pipe with plastic caps stamped "Vance 6553".



*Samuel W. Vance*

APPLICATION FOR AMENDMENT OF THE ZONING MAP

DEVELOPMENT PLAN & TEXT  
for the  
PLANNED COMMERCIAL & OFFICE DISTRICT (PCD)  
of

# FOOR TRACT

BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO

BZC #03-006 - August 7, 2003  
Archie Foor, Jr - Re-Zone  
7.5 +/- Acres SR 37 Delaware, OH  
Exhibit 2

EXH# 2    Oct. 13, 2003  
Trustees    BZC# 03-006  
Archie Foor, Jr.  
7.5 +/- ac.    FR-1 to PCD

Submitted by:  
**ARCHIE E. FOOR, JR.**  
497 Village Park Dr.  
Powell, Ohio 43065

Prepared by:  
  
EYERMAN PLANNING ASSOCIATES, LLC.  
1907 RIVER ROAD DELAWARE, OH 43015 (740) 595.3797

Date: June 18, 2003

**LEGAL DESCRIPTION OF 7.533 ACRE TRACT  
FOR CHANGE OF ZONING**

Situated in the State of Ohio, County of Delaware, Township of Berlin, located in Farm Lot 18, Section 1, Township 4, Range 18, United States Military Lands, and being part of a 19.943 acre tract presently owned by Archie E. Jr. and Jeanine A. Foor in Official Record 181, Page 331, Delaware County Recorder's Office, and being more particularly described as follows:

Beginning at the southwest corner of said 19.943 acre tract, said corner being in the north line of U.S. Route 36 & State Route 37 at highway station 831+29.09, 131.47 feet left, from the centerline survey,

thence **North 04° 25' 01" East 944.60 feet**, in the west line of said 19.943 acre tract, to a point;

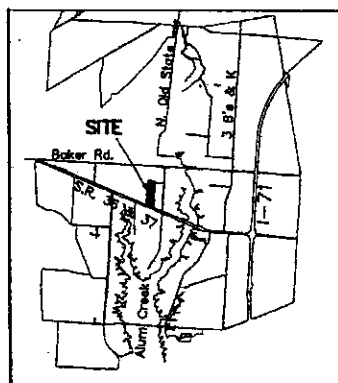
thence **South 85° 34' 59" West 330.85 feet**, across said 19.943 acre tract, to a point in the east line of said 19.943 acre tract;

thence **South 04° 31' 22" West 1044.64 feet**, in the east line of said 19.943 acre tract to, a point in the north line of U.S. Route 36 & State Route 37 at highway station 834+92.69, 130.06 feet left, from the centerline survey, marking the southeast corner of said 19.943 acre tract;

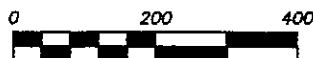
thence **North 68° 40' 02" West 343.80 feet**, in the south line of said 19.943 acre tract and the north line of U.S. Route 36 and State Route 37, to the place of beginning, containing **7.533 acres**, more or less.



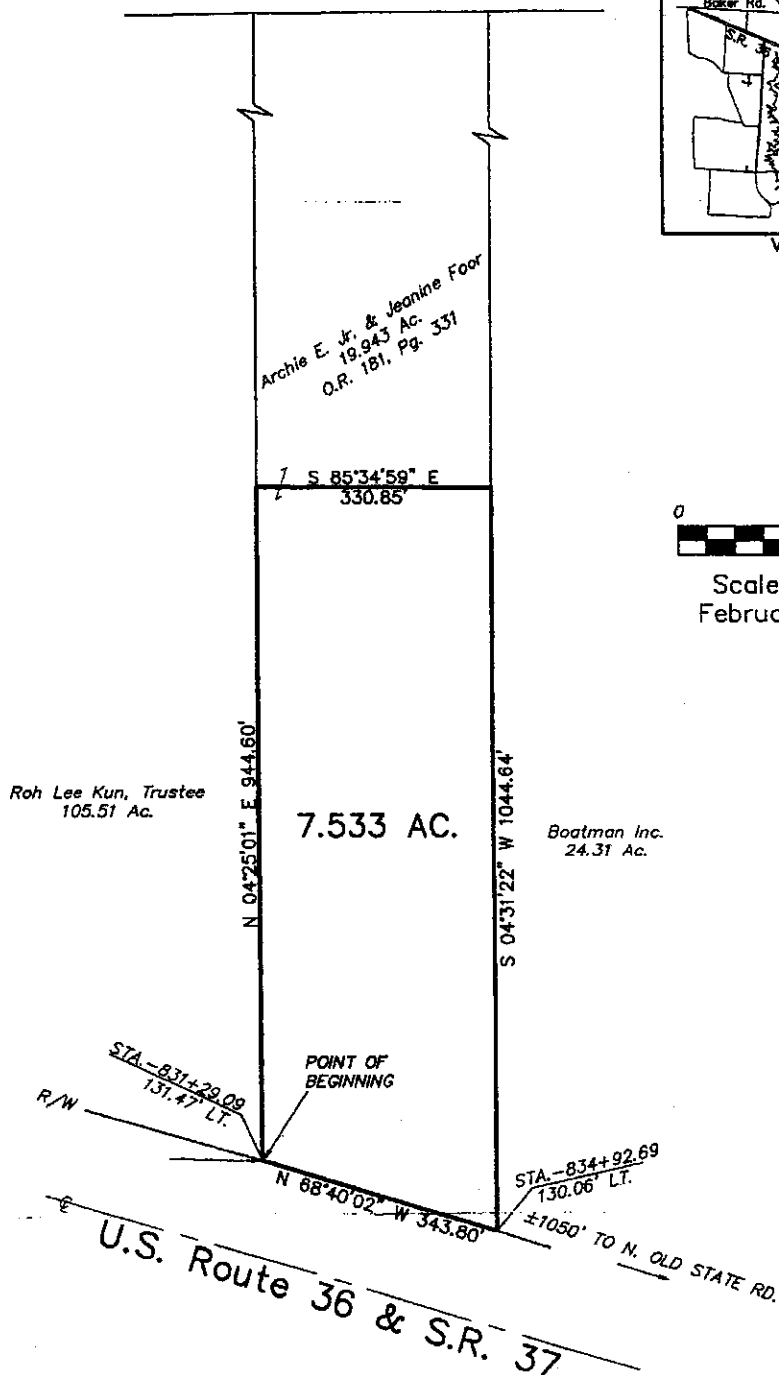
PLAT SHOWING 7.553 ACRES FOR CHANGE OF ZONING,  
 BEING PART OF AN ORIGINAL 19.943 ACRE TRACT  
 CONVEYED TO ARCHIE E. JR. & JEANINE A. FOOR IN O.R. 181, PG. 331,  
 LOCATED IN FARM LOT 18, SEC. 1, TWP. 4, RG. 18, U.S.M.L.,  
 BERLIN TOWNSHIP, DELAWARE COUNTY, OHIO.



VICINITY MAP  
 NO SCALE



Scale 1" = 200'  
 February 14, 2003



PATRIDGE PROFESSIONAL SURVEYORS  
 AND ENGINEERS L.L.C.  
 9464 DUBLIN ROAD  
 POWELL, OHIO 43065  
 FAX (614)-799-0030  
 TEL (614)-799-0031



***Berlin Township Fire Department***  
***Fire Prevention Bureau***  
2708 Lackey Old State Road  
Delaware, Ohio 43015  
(740) 548-6031

***Fire Chief AJ Miller***  
***Lt. Steve Arnold, Fire Prevention***

---

Date: 03/22/2024  
To: Tony Eyerman  
From: Lt. Steve Arnold  
Subject: Berlin Twp. Fire Department Service Provided

I am writing in response to your request regarding the proposed land use development known as 5361 State Route 36/37 Area of 10 acres +-. This Section of land is located in Berlin Township and Berlin Township Fire Department does provide fire protection for this area. Please send a full set of project plans to scale to this office for final approval.

We appreciate the opportunity to work with you in the future and thank you for your interest in Berlin Township. If we can be of any further assistance please do not hesitate to call or visit our 2708 Lackey Old State location.

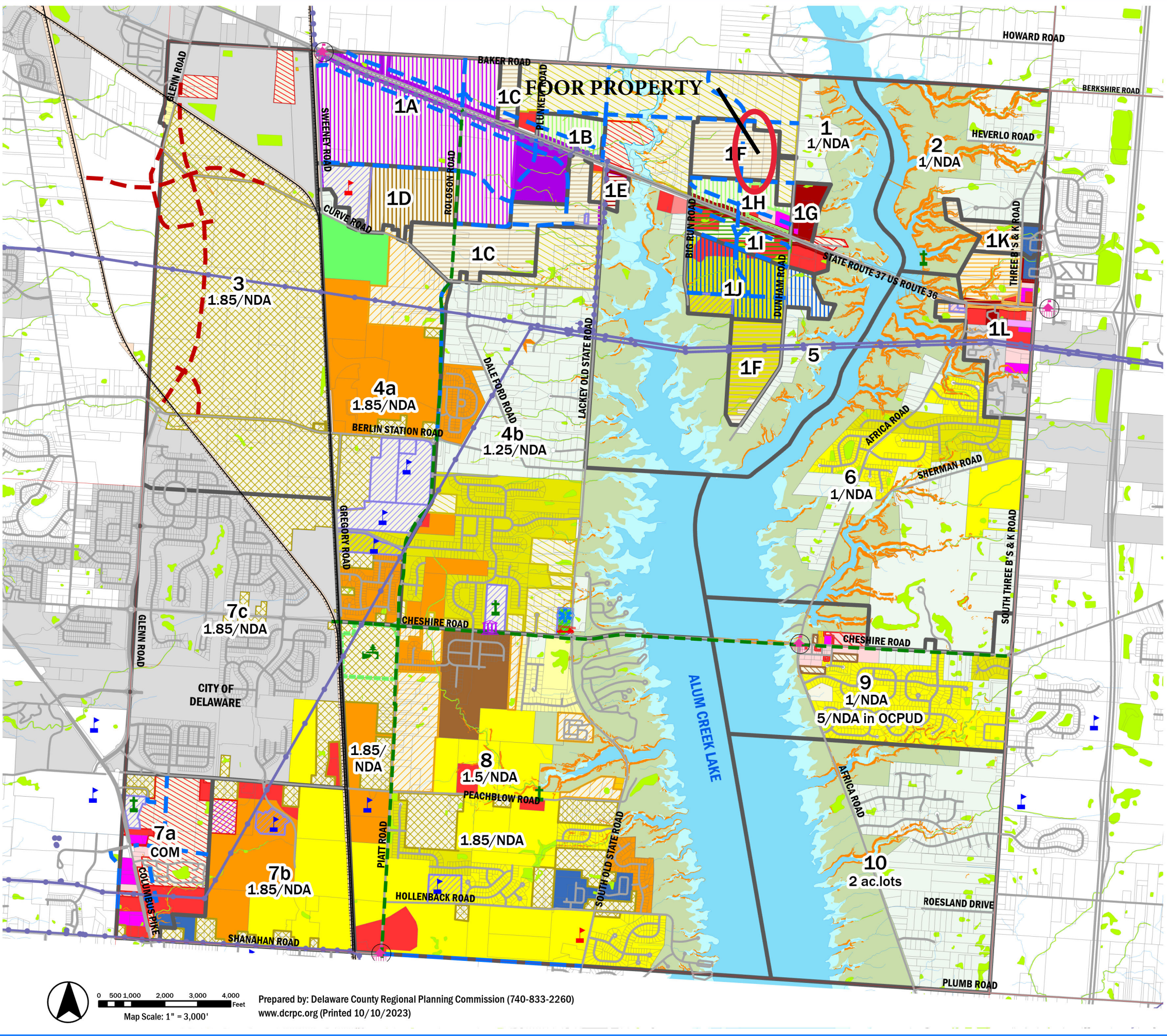
Respectfully,

Lt. Steve Arnold, CFSI



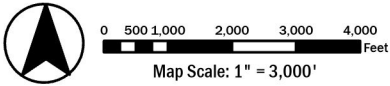
# Berlin Township Comprehensive Land Use Plan

Adopted September 25, 2023



- Cemeteries
- Existing Schools
- Future Schools
- Township Hall
- Fire Departments
- EMS Station
- Proposed Entrance Feature
- Township Boundaries
- Power Poles
- Power Lines
- Railroad
- Proposed Bikeway
- Proposed Road
- Proposed Glenn Parkway
- Road Centerlines
- Planning Subareas
- Property Lines
- Slope > 20%
- Rivers/Lakes
- Streams
- 100-Year Flood Plains
- Wetland (National Wetland Inventory)
- Public Owned Lands
- Township Park within this area
- Incorporated Areas
- Proposed Land Use 2022
  - Single Family at 1 unit/ac to 1 unit/2ac
  - Single Family at 1 unit/ac without centralized Sewer or Single Family up to 1.25 unit/ac NDA with Centralized Sewer
  - Single Family at 1.5 unit/ac NDA
  - Single Family at 1.85 unit/ac NDA
  - Historic Cheshire Village, 5 du/ ac
  - Planned Industrial
  - Planned Commercial
  - Planned Commercial or Planned Industrial
  - Township Park
  - Professional, Research, Office, Commercial, Light Industrial
  - Overlay Commercial
  - Professional, Research, Office, Commercial
  - Professional, Research, Office, Commercial, Residential, or Mixed Use
  - Overlay Residential @ 4 units / NDA
  - Overlay Residential @ 10 units / NDA
  - Commercial or Residential at 10 units per acre
  - Professional, Research, Office or Residential Mixed Use
- Berlin Township Zoning
  - Farm Residential District (FR-1)
  - Low Density Residential District (R-2)
  - R-2 with PRD Overlay (R-2/PRD)
  - Multi-Type Residential District (R-3)
  - R-3 with PRD Overlay (R-3/PRD)
  - Multi-Type Residential District (R-4)
  - R-4 with PRD Overlay (R-4/PRD)
  - Planned Residential District (PRD)
  - Neighborhood Commercial District (NCD)
  - Transitional Planned Unit Development (TPUD)
  - Planned Office District (POD)
  - Planned Commercial and Office District (PCD)
  - Old Cheshire Planned Unit Development District (OCPUD)
  - OCPUD Overlay Applied
  - Industrial District (ID)
  - Planned Industrial District (PID)
  - Agricultural Conservation District (A-1)
  - Floodplain Regulatory District (FPRD)
  - US Land
  - Article 15 Berlin Commercial Overlay (BCO)
  - Article 15 Berlin Commercial Overlay (BCO) Applied
  - Article 19 Berlin Industrial Overlay (BIO)
  - Article 19 Berlin Industrial Overlay (BIO) Applied

"NDA" = Net Developable Acres



Prepared by: Delaware County Regional Planning Commission (740-833-2260)  
www.dcrpc.org (Printed 10/10/2023)



# Berlin Township

## Zoning Districts Map

### Delaware County, Ohio

Official Zoning Map as amended \_\_\_\_\_

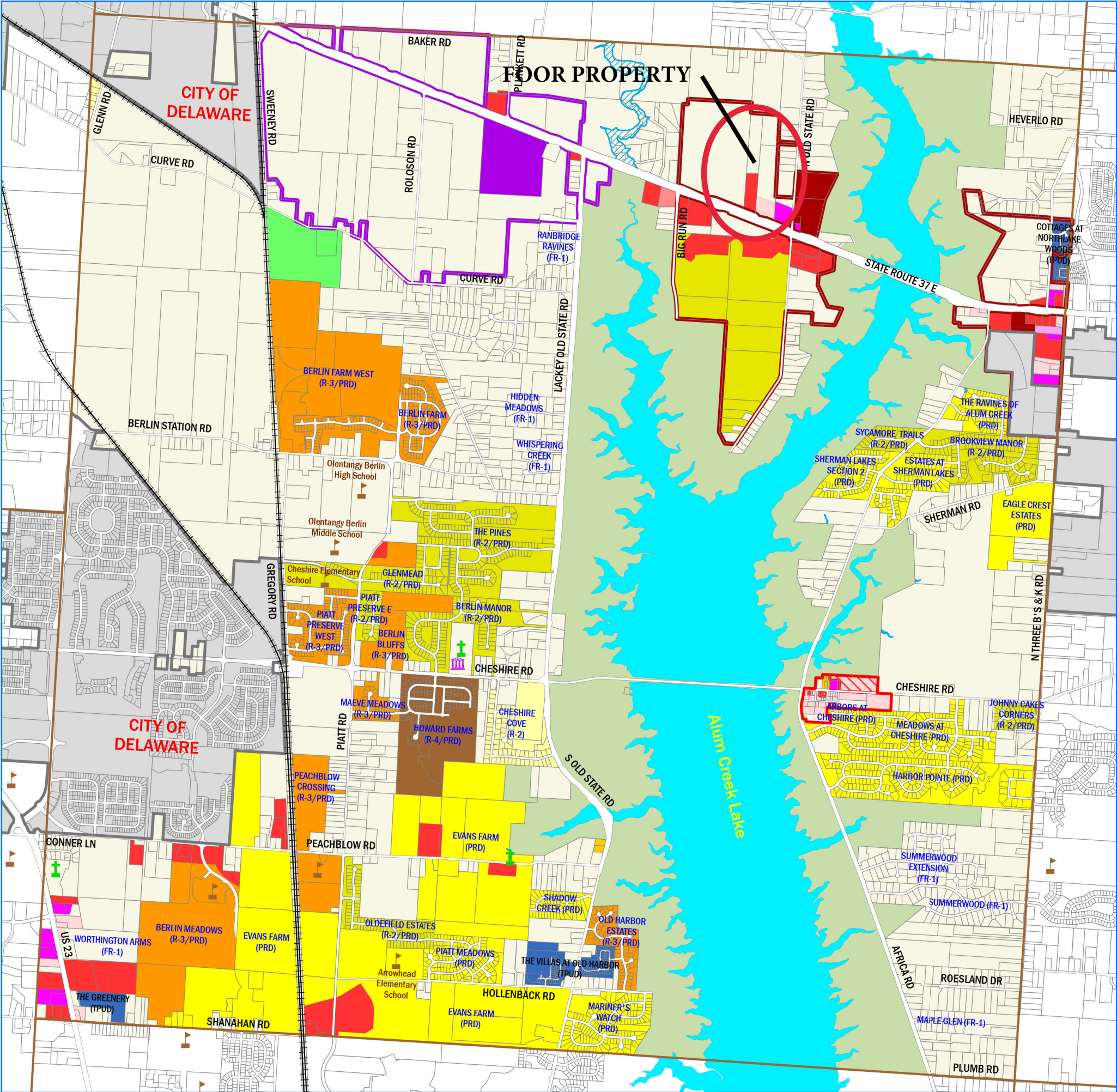
Board of Township Trustees

Zoning Inspector  
Berlin Township, Delaware County, Ohio

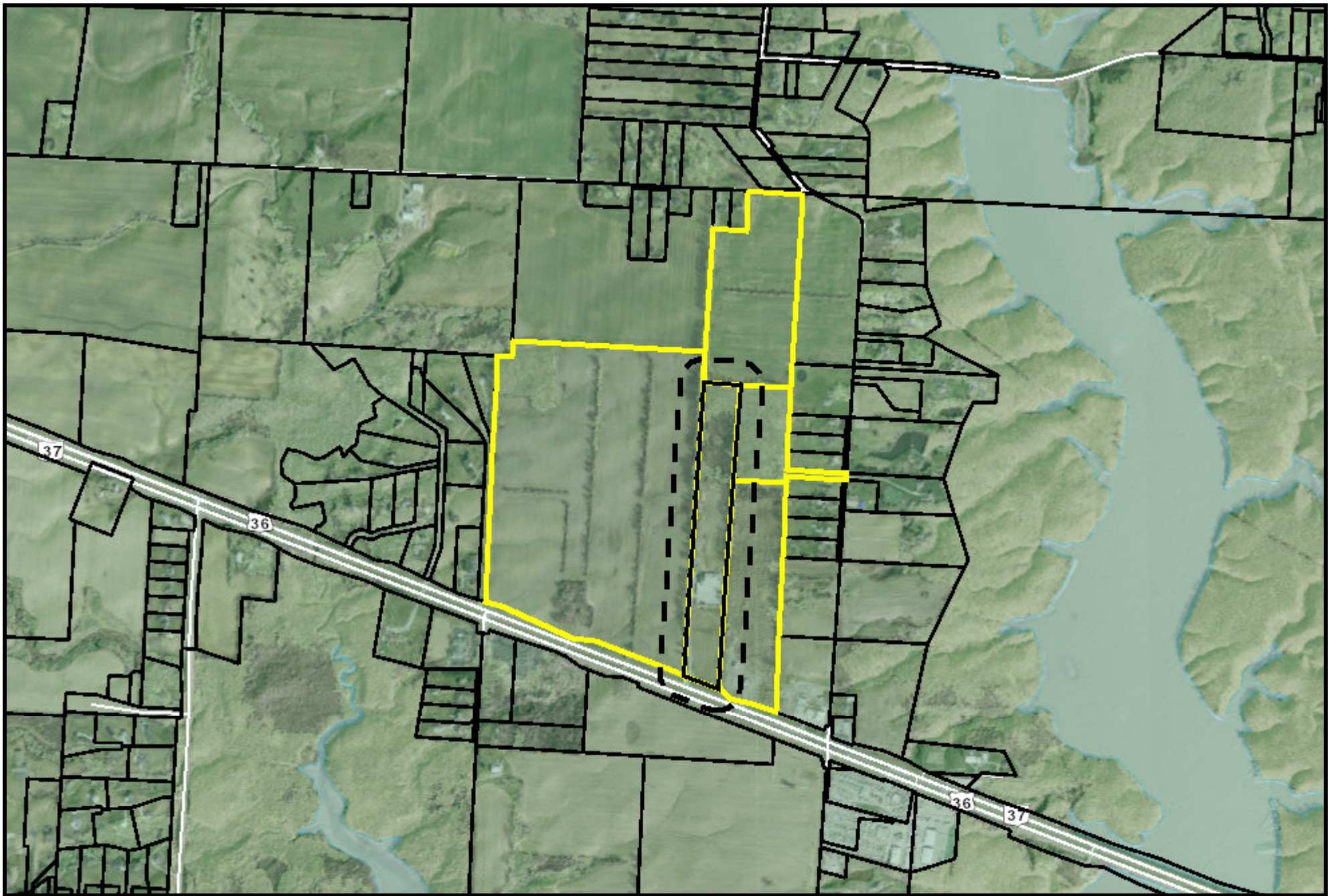
- Township Hall
- Cemeteries
- Existing Schools
- Township Boundary
- Incorporated Area
- Road Right of Way
- Property Lines
- Rivers
- Incorporated Area
- Overlay
  - Old Cheshire Planned Unit Development District (OCPUD)
  - Article 15 Berlin Commercial Overlay (BCO)
  - Article 19 Berlin Industrial Overlay (BIO)
- Berlin Township Zoning
  - Farm Residential District (FR-1)
  - Low Density Residential District (R-2)
  - R-2 with PRD Overlay (R-2/PRD)
  - Multi-Type Residential District (R-3)
  - R-3 with PRD Overlay (R-3/PRD)
  - Multi-Type Residential District (R-4)
  - R-4 with PRD Overlay (R-4/PRD)
  - Planned Residential District (PRD)
  - Neighborhood Commercial District (NCD)
  - Transitional Planned Unit Development (TPUD)
  - Planned Office District (POD)
  - Planned Commercial and Office District (PCD)
  - Old Cheshire Planned Unit Development District (OCPUD)
  - OCPUD Overlay Applied
  - Industrial District (ID)
  - Planned Industrial District (PID)
  - Agricultural Conservation District (A-1)
  - Floodplain Regulatory District (FPRD)
  - US Land
  - Article 15 Berlin Commercial Overlay (BCO)
  - Article 15 Berlin Commercial Overlay (BCO) Applied
  - Article 19 Berlin Industrial Overlay (BIO)
  - Article 19 Berlin Industrial Overlay (BIO) Applied



Prepared By: Delaware County Regional Planning Commission (740-833-2260)  
www.dcrpc.org  
Parcel Information Provided by The Delaware County Auditor's Office  
Further Information is available by contacting the Auditor's GIS Office (740-833-2070)  
Zoning Information provided by Berlin Township (740-548-5217)  
Printed 3/25/2024







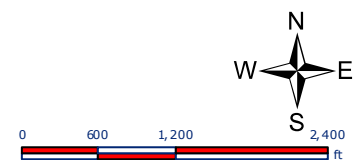
## Foor Property - 200' Buffer

Information contained within this map may be used to generally locate, identify and inventory land parcels within Delaware County.  
Delaware County cannot warrant or guarantee the information contained herein, including, but not limited to its accuracy or completeness. The map parcel lines shown are approximate and this information cannot be constructed or used as a "legal description" of a parcel.  
Flood Plain information is obtained from FEMA and is administered by the Delaware County Building Department (740-833-2201).  
Please report any errors or omissions to the Delaware County Auditor's office at [delcogis@co.delaware.oh.us](mailto:delcogis@co.delaware.oh.us).  
Prepared by: Delaware County Auditor's GIS Office



Delaware County Auditor  
George Kaitza

Printed on 3/27/2024



Parcel Number	Owner Name	Address	Market Value	Conveyance Date	Year Built	Bedrooms	Baths	Finished Sq Ft	Acreage
41812001018000	CHOKREFF JEFFREY P & BARBARA A	429 N OLD STATE RD DELAWARE	658100	1/26/2016	1973	3	2	2205	9.668
41812001055000	ENTRUST GROUP IN THE	5143 STATE ROUTE 37 E DELAWARE	1772100	3/7/2012	1901	3	1	1685	108.51
41812001055000	ENTRUST GROUP IN THE	5147 STATE ROUTE 37 E DELAWARE	1772100	3/7/2012	1901	3	1	1685	108.51
41812001056001	FOOR ARCHIE E JR & JEANINE A	5369 STATE ROUTE 37 E DELAWARE	937300	3/6/2002	0	0	0	0	19.943
41812001056001	FOOR ARCHIE E JR & JEANINE A	5361 STATE ROUTE 37 E DELAWARE	937300	3/6/2002	0	0	0	0	19.943
41812001057000	SAVKO BROS PROPERTIES 37 LLC	5427 STATE ROUTE 37 E DELAWARE	1273200	5/1/2018	0	0	0	0	24.31
41812001024000	THISTLEGATE 12 LLC	BAKER RD DELAWARE	602200	7/2/2020	0	0	0	0	29.16

*Officers*

PAMALA L. HAWK  
*President*  
PERRY K. TUDOR  
*Vice President*  
ROBERT W. JENKINS  
*Secretary*  
G. MICHAEL DICKEY  
*Treasurer*  
GLENN MARZLUF  
*General Manager/CEO*  
BRIAN COGHLAN  
*Chief Operating Officer*



6658 OLENTANGY RIVER ROAD

DELAWARE, OHIO 43015

[www.delcowater.org](http://www.delcowater.org)

Phone (740) 548-7746 • (800) 521-6779

*Directors*

MARC A. ARMSTRONG  
  
DAVID A. BENDER  
  
DOUGLAS D. DAWSON  
  
TIMOTHY D. MCNAMARA  
  
MICHAEL (NICK) D. SHEETS

April 4, 2024

Tony Eyerman:

Via Email: [teyerman@gmail.com](mailto:teyerman@gmail.com)

Dear Mr. Eyerman:

Please know that Del-Co Water can continue to provide water service to the site described below upon plan approval and payment of the required fees (if any):

Proposed Land Use: Commercial, Parcel 418-120-010-560-01

Location: 5361 SR 37 E

Land Size: ±19.94 acres

This site can be served from an existing 6-inch water main on SR 37.

This letter of water availability is valid for a period of one year from the date of this letter. Del-Co makes no guarantee of water availability beyond this period. Contact our Engineering Department if you have any questions on the plan review process, or our Customer Service Department for information on tap fees.

Sincerely,  
DEL-CO WATER COMPANY, INC.

Darrell S. Miller, P.E.  
Capital Projects Manager











