

ARTICLE 18D – PLANNED OVERLAY DISTRICT

Section 18D.01- NATURE OF THE DISTRICT

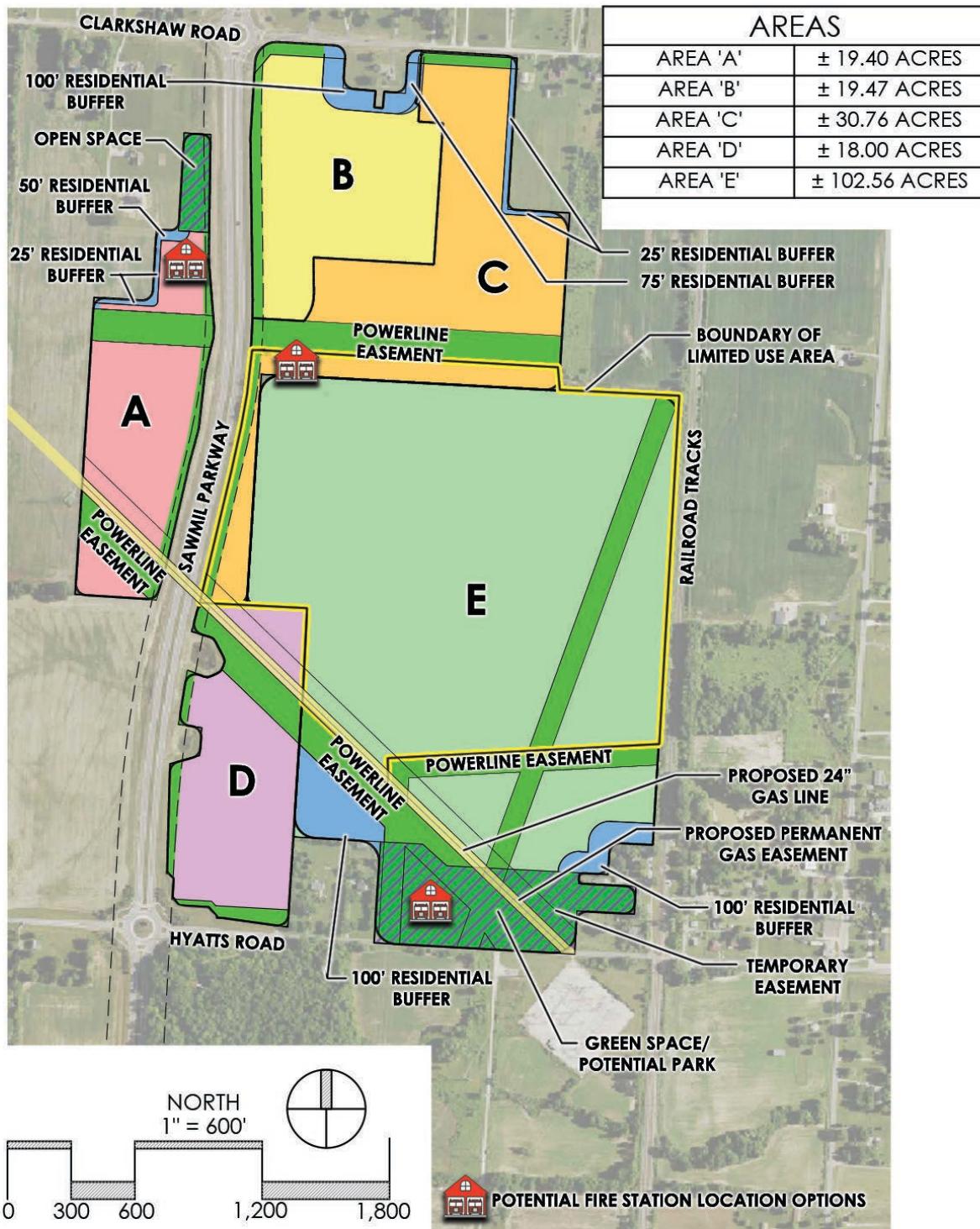
This Planned Overlay District (POD) is created pursuant to Section 519.021(C) of the Ohio Revised Code to further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting public and utility services, and encouraging innovation in the planning and building of appropriate types of retail, office and residential development. The POD achieves this purpose by permitting flexibility of design in order to promote and accommodate environmentally sensitive and efficient use of the land, thereby allowing for a unified development that:

- Permanently preserves unique or sensitive natural resources and integrates Open Space within developments.
 - A minimum of 30% open space is required throughout POD 18D, environmentally sensitive areas are protected with required setbacks.
- Reduces the amount of infrastructure, including paved surfaces and utility easements, necessary for development.
 - Smart growth and overlay districts allow for shared infrastructure, reduced pavement through reduction in parking space dimensions, and controlled through unified planning for larger areas.
- Reduces erosion and sedimentation by minimizing land disturbance and removal of vegetation.
 - Collective retention and detention areas, preservation of existing waterways and trees, all combine to greatly reduce erosion and sedimentation from the development tract.
- Provides an opportunity for an appropriate mix of residential and commercial uses.
 - This is required through the provisions under each subarea of this POD.
- Enables more extensive review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
 - This is controlled by these development standards, architectural review board, and Zoning Commission.
- Assures compatibility between proposed land uses within and around the POD through appropriate development controls.
 - Appropriate buffers are prescribed between proposed and offsite uses, and treatments along public roadways are provided for consistent theming in the POD in association with other established PODs.
- Encourages unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district, yet are imaginative in architectural design and are consistent with applicable public plans for the area and are compatible with surrounding land uses.
 - By combining larger parcels, a POD can be planned as one entity so that there is unification amongst uses through access, both pedestrian and vehicular, with controls over architecture that provide for a cohesive development, and utilize the Township Codes as the basis for standards of development with additional safeguards per this overlay text.

Section 18D.02 - OVERLAY DISTRICT AREA ESTABLISHED

The POD is created pursuant to Section 519.021(C) of the Ohio Revised Code and encompasses, includes, overlays and rezones the POD area shown on the POD Overlay Development Plan (Map), which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official zoning district map for the POD as part of this amendment. A private or public roadway network will be developed as part of future Final Development Plan(s) and shall be subject to final approval by the Delaware County Engineer, and final site/subarea engineering. Properties within the POD shall make Application in accordance with the provisions of this POD and Section 10.06 of the Liberty Township Zoning Resolution for Final Development Plan approval, in compliance with the provisions of this POD. The approval of an Application for Final Development Plan following the Liberty Township Trustees' approval of this POD is a ministerial act and shall not be considered an amendment to the Liberty Township Zoning Resolution.

Exhibit 1

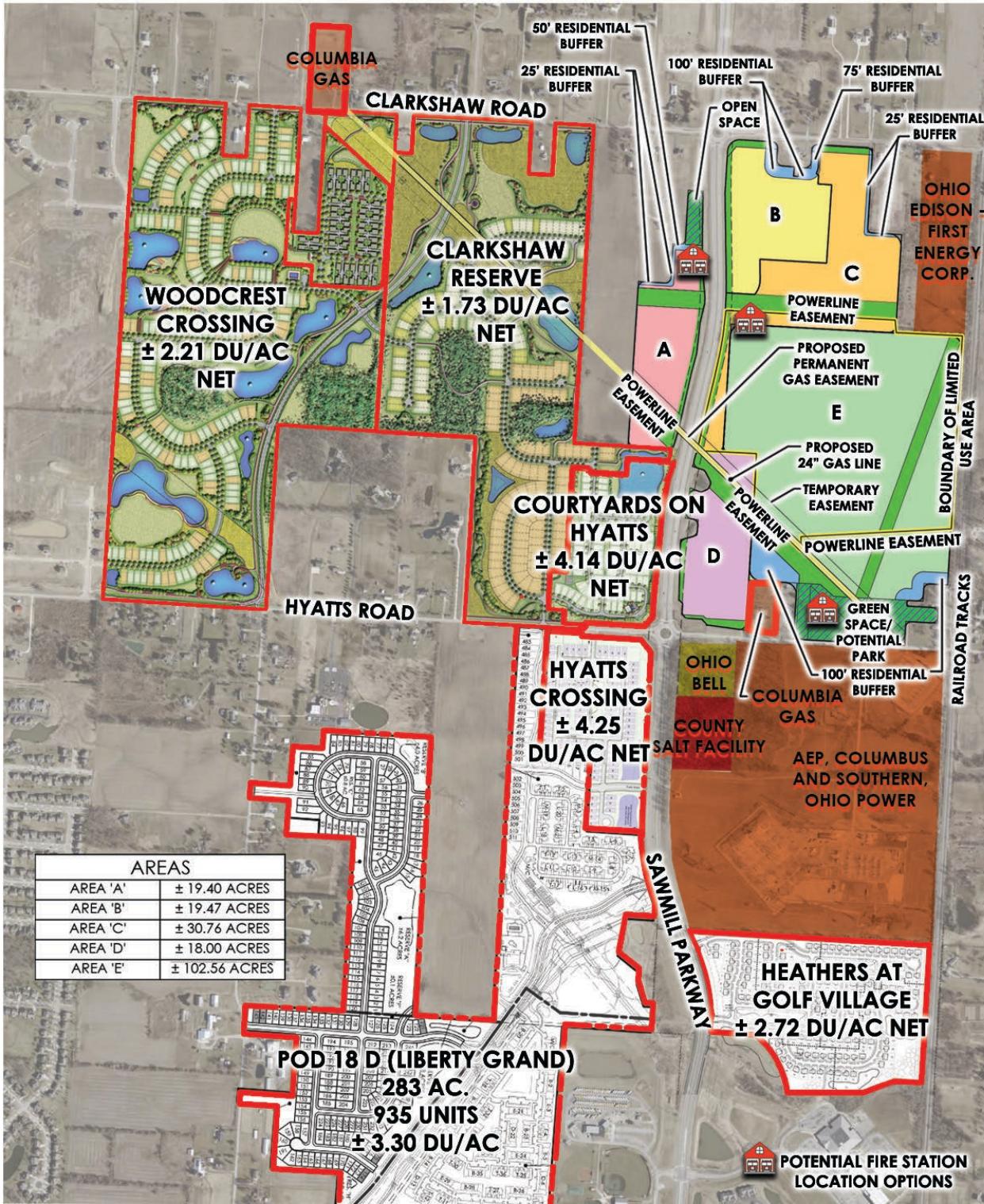


EX.1 PLANNED OVERLAY DISTRICT - POD 18 (D)

PREPARED FOR LIBERTY TOWNSHIP - DELAWARE COUNTY, OHIO

DATE: 3-12-21

POD ILLUSTRATION



EX.1 PLANNED OVERLAY DISTRICT - POD 18 (D) W/ SURROUNDING APPROVED USES

PREPARED FOR LIBERTY TOWNSHIP - DELAWARE COUNTY, OHIO

DATE: 3-12-21

Section 18D.03 - PERMITTED USES

18D.03.1 Residential Uses as provided for by subareas identified herein. Specifically: (1) Single-Family Homes, single-family detached residential or Patio Homes (Single-Family including condominium or homes associations); (2) Attached Homes, attached residential of 2 or greater units that are owned individually (including condominium or homes associations); (3) Multi-family, attached residential of 2 or greater units which are offered for rent or lease.

18D.03.2 Limited uses of Article 15, Planned Commercial District, as specified in the following document for POD 18D per Area. The development standards of Liberty Township Zoning Resolution Article 15, Planned Commercial District shall supplement this POD for those limited uses only, where this POD 18D is silent. Conflicts shall be resolved in favor of the development standards of this POD 18D.

18D.03.3 In addition to the permitted commercial uses, subject to the condition that the following is a component of an allowed limited use of article 15 in the POD Commercial District, Innovative Technology, Logistics, and Research and Development uses shall be permitted with the following standards.

- a. no emissions of smoke, dust, or other particle matter, toxic or noxious materials, or odors and all business and storage is completely conducted in an enclosed building.
- b. Innovative technology to improve a product or process that result in clean advanced manufacturing,
- c. Research and development centers for improving existing products or the development of new products,
- d. Warehousing, distribution and product development, which are subsidiary and secondary to primary permitted use. The warehousing activities shall be fully enclosed, shall only support a permitted commercial or office venture, and not be more than 70% of the actual building area of each allowed use. These components are to support a business on a small scale and cannot be the primary business.
- e. Assembling or packaging of goods, materials, or products,
- f. Medical, dental, and optical laboratories, including any offices associated with and supporting said laboratories.
- g. May only be in subareas C and E, within the limits of the power line easement to the north, railroad tracks to the east, and powerline easements to the south (limits indicated on Exhibit 1).

18D.03.4 Temporary Structures. Temporary structures such as manufactured/mobile home offices and temporary buildings of a non-residential character 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. A Zoning Permit shall be obtained for such temporary use, which permit shall be valid for twelve (12) months and renewable for up to 3 years total. 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. Renewal shall not be unreasonably denied. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as the

Zoning Inspector deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. No such structure shall be occupied as a dwelling.

18D.03.4 Existing Uses/Zoning to Remain. Until such time as a Final Development Plan is approved for area(s) within the POD, within the requirements of the POD, the existing legal uses and zoning for all areas within the POD shall be permitted. Legal uses established prior to this POD shall be permitted to exist as legal non-conforming.

Section 18D.04 - ACCESSORY USES, BUILDINGS, AND STRUCTURES

18D.04.1 Accessory Uses. Any subarea located within the POD shall be permitted to include the following accessory uses, so long as those uses are either contained within the buildings of a permitted use, or within separate buildings or structures that are architecturally and/or operationally integrated into the subarea development:

- 18D.04.1.a** Clubhouses, recreational and entertainment facilities, indoor or outdoor, and may include but not limited to tennis courts, basketball courts, pools, bocce court, etc.
- 18D.04.1.b** Sheds, play structures, pools, and pool fencing.
- 18D.04.1.c** Private Garages.
- 18D.04.1.d** Exercise and Fitness Facilities.
- 18D.04.1.e** Personal and Laundry Services (except 812332 Industrial Launderers).
- 18D.04.1.f** Mail collection facilities.
- 18D.04.1.g** Trash compactor enclosures and bulk storage areas
- 18D.04.1.h** Service buildings for mechanical enclosures such as water meters, generators, and fire pumps
- 18D.04.1.i** Storage facilities for bicycles, as well as individual storage facilities for the keeping of personal property owned by the residents, and only accessory to such ownership. Bicycle and individual storage facilities may be located wholly in a separate accessory structure, so long as that structure(s) is architecturally integrated into the Development Plan. Commercial storage facilities are not permitted.

18D.04.1.j Home Occupations: professional or business activities shall be considered permitted as "Home Occupations," provided that such activities are carried on solely within the confines of the dwelling, do not occupy more than twenty percent (20%) of the dwelling, retain no non-residential employees (whether paid or voluntary), generate no greater traffic, parking or deliveries than would normally be expected in a residential neighborhood, do not create a nuisance to the neighborhood or general public, and are imperceptible from the exterior of the dwelling and display no sign.

The above uses are not intended as separate, independent, or principal commercial uses, but rather only accessory in nature, so as to complement the permitted principal use(s).

Section 18D.05 - PROHIBITED USES

Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited. The following uses shall be prohibited:

18D.05.A Uses not specifically approved by the Zoning Commission as part of the Development Plan.

18D.05.B Outdoor storage of inoperable, unlicensed, or unused motor vehicles for a period exceeding seven (7) days. 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 a legal sales or repair activity if such activities are carried out in compliance with an approved Final Development Plan.

18D.05.C Except as provided in a Final Development Plan, no trailers, no boats, no motor homes, no campers and no equipment of any type shall be parked in front of the principal structure line on any non-residential parcel within this district, and may only be parked for not more than eight (8) hours in a twenty-four period if located on a residential parcel. If a structure is located on the property, the principal structure line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by the Development Plan.

18D.05.D No manufactured home, temporary mobile home, motor home or camper shall be occupied in this district for residential purposes. Mobile office structures may be permitted in the approved Final Development Plan in accordance with Section 18D.03.

18D.05.E No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any garbage, refuse, or junk shall be permitted to accumulate on any lot or portion thereof. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

18D.05.F No Extended Stay Hotels or adult oriented businesses shall be allowed.

Section 18D.06 - PROCESS FOR PLAN APPROVAL

All Applications for Final Development Plan approval of any Subarea within the POD shall follow the procedures hereinafter set forth:

18D.06.A1 Pre-Application Meeting. The Applicant is encouraged to engage in informal consultations with staff from the Township and the Delaware County Regional Planning Commission prior to formal submission of an Application for approval of a Final Development Plan for any tract or property within the POD. No statement or action by Township or County officials in the course of informal consultations shall be construed to be a waiver of any legal obligation of the Applicant or of any procedure or formal approval required by Township or County statutes or rules. Ohio's Open Meetings Law (Section 121.22 of the Ohio Revised Code) is required to be observed at pre-application meetings involving a quorum of members of the Liberty Township Zoning Commission.

18D.06.A2 The applicant shall hold a minimum of two (2) open houses with the public invited and the surrounding neighbors within 200' will receive notification and zoning signs will be placed on the property announcing the open house time and location. These two open houses must be completed within a thirty-day period of the first open house prior to the submission of any Final Development Plan in POD 18D.

18D.06.B Application and Final Development Plan. The Applicant shall prepare and submit ten (10) copies of an Application and Final Development Plan, along with an electronic copy and all applicable fees to the Liberty Township Zoning Commission. The Application shall be signed by the Applicant and all owners of property, or their designee, included in the Application and Final Development Plan. The Application shall include a list of property owners, by mailing address appearing on the Delaware County Auditor's current tax list, within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. The Liberty Township Zoning Commission may request that any County agency and/or any committee of the Delaware County Regional Planning Commission submit comments for consideration at the meeting.

The Application shall be accompanied by a Final Development Plan and the following supporting information and documentation in text and map form:

18D.06.B.1 A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed development.

18D.06.B.2 A grading plan drawn to scale, showing all information pertaining to surface drainage.

18D.06.B.3 A detailed Landscape Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan. It shall depict and identify all proposed landscaping features.

18D.06.B.4 A detailed Signage and Exterior Lighting Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.

18D.06.B.5 A detailed Parking Plan shall be submitted with the Final Development Plan and shall be subject to approval as part of the Final Development Plan.

18D.06.B.6 An explanation of the method/structure and proposed documentation and instruments to be used in order to perpetually own, maintain and preserve the Open Space, as required, that is unified and permanently protected. The location, size and proposed use(s) of all Open Space areas shall be detailed.

18D.06.C Final Development Plan Contents. The Final Development Plan shall include in text and map form the following:

18D.06.C.1 Proposed name of the development and its location.

18D.06.C.2 Names and addresses of applicant, owners, and developers. Also, the names and mailing addresses of all owners of property within and contiguous to and directly across the street from the area proposed for POD approval shall be provided.

18D.06.C.3 Date, north arrow, and plan scale. Scale shall be one inch equals one hundred feet 1" = 100 feet or larger scale.

18D.06.C.4 A description and location of the precise uses proposed for the development and phases for construction, if any. If the proposed development includes developing the property in phases, all phases to be developed after the first shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

18D.06.C.5 Locations, widths, and names of all existing public streets or other public or private roads/ways, railroad and utility rights of way or easements, parks and other public open spaces, permanent structures, and corporation lines within or adjacent to the tract.

18D.06.C.6 Existing sewers, water mains, culverts, and other underground facilities within the tract, adjacent to the tract or that will be used or are proposed to be used in developing the tract, indicating pipe sizes, grades, and locations.

18D.06.C.7 The adjoining lines of adjacent tracts, parcels, or lots.

18D.06.C.8 Additional restrictions and deed restrictions, if any.

18D.06.C.9 Existing topography, drainage channels, wooded areas, watercourses, wetlands, and other significant physical features.

18D.06.C.10 Layout of proposed streets, private or public, including their names and rights of way, easements, sewers, water lines, culverts, and other major improvements.

18D.06.C.11 Layout, numbering, and dimensions of lots if more than one.

18D.06.C.12 The total amount of Lot Coverage and density to confirm with the POD, as that term is defined in this POD as gross acreage.

18D.06.C.13 Parcels of land intended to be dedicated or temporarily reserved for public use or reserved by deed covenant with the condition proposed for such covenant or dedication.

18D.06.C.14 Building setback lines with dimensions.

18D.06.C.15 Building locations depicting the bulk, height, and spatial relationships of building masses with adjacent development.

18D.06.C.16 Layout, location, dimensions, and architectural features of proposed structures including preliminary floor plans and exterior elevations.

18D.06.C.17 Location and dimensions of all paths, sidewalks, multi-use trails and connections thereof to facilitate connectivity among areas within the POD.

18D.06.C.18 Color rendering of building(s), complete with a listing of all colors, including the manufacturer's reference/serial number with samples and materials to be used.

18D.06.C.19 A Detailed Parking and Loading Plan showing layout, location and design of parking and loading areas for all proposed uses, including proposed number of parking and loading spaces, traffic circulation, curb cuts, pedestrian walks, and lane improvements on existing public roads.

18D.06.C.20 Engineering feasibility studies of any anticipated problems which may arise due to the proposed development as required by the Zoning Commission.

18D.06.C.21 Intended measures to screen the development from adjacent residentially zoned property as well as measures to screen rooftop mechanical equipment, production areas, service areas, storage areas, trash containers and loading zones from view.

18D.06.C.22 Accommodations and access for emergency and fire-fighting apparatus.

18D.06.C.23 Location, type, dimensions and features of all signage and exterior lighting through a detailed Signage and Exterior Lighting Plan.

18D.06.C.24 The plan or mechanism to provide for the perpetual maintenance of all landscaping, buffers, and shared parking areas by the ultimate owner and/or user.

18D.06.C.25 Projected schedule of site development.

18D.06.C.26 The ability of the applicant to carry forth the Final Development Plan by control of the land and the engineering feasibility of the Final Development Plan.

18D.06.C.27 Other supplemental information, as may be reasonably required by the Liberty Township Zoning Commission, to determine compliance with this POD.

18D.06.C.28 The Final Development Plan (and the various accompanying plans) shall bear the seal of a registered engineer or surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio.

18D.06.C.29 The applicant may request a divergence from the development standards set forth in this Article 18D or otherwise to the Liberty Township Zoning Resolution. An applicant making such a request shall specifically and separately list each requested divergence and the justification therefore on the Final Development Plan submittals, with a request that the proposed divergence be approved as part of and as shown on the Final Development Plan. Unless specifically supplemented by the standards contained in the Final Development Plan, the development shall comply with the requirements contained in Article 18D and the General Development Standards most closely comparable to the use/zoning district(s), as contained in the Liberty Township Zoning Resolution. The applicant may not request a divergence that increases the number of units allowed per this POD, decreases, or omits required buffers or decreases required open space, except for what is designated in in Section 18D.07E.iii.

18D.06.D Zoning Commission Action. After receipt of the completed Application materials and required fees, the Zoning Commission shall schedule a public hearing within forty-five (45) days after the filing of the complete Application. Notice shall be sent by regular, first class mail to the applicant and to all owners of property within, contiguous to, directly across the street from, and within two hundred feet (200') of the perimeter boundaries of such area subject of the Application for Final Development Plan. Mailing by the Zoning Commission shall be to the addresses of such owners appearing on the Delaware County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any action the Zoning Commission may take on the Application. The Zoning Commission shall render a decision on the Application and Final Development Plan within thirty (30) days after the conclusion of the hearing.

18D.06.E Basis of Approval. The Zoning Commission, shall consider and approve a Final Development Plan upon a finding of substantial compliance based upon the following:

18D.06.E.1 Whether the proposed Application and Final Development Plan are consistent with the uses, and standards of this POD Zoning Resolution as set forth and defined in Section(s)

18D.07 and 18D.08 of this POD; and if applicable, determine if divergence(s) are reasonably related to or that facilitate the use(s), criteria and/or standards of this POD.

- 18D.06.E.2** Whether the proposed Application and Final Development Plan meet the design features as set forth and defined in Section(s) 18D.07 and 18D.08 of this POD.
- 18D.06.E.3** Whether the proposed development will be adequately served in a manner consistent with other mixed use communities located within Liberty Township, by essential public facilities and services including, without limitation, roads, walkways, police and fire protection, drainage structures, potable water and centralized sanitary sewers or other approved sewage disposal systems.
- 18D.06.E.4** Whether the proposed development has adequately addressed traffic considerations in the immediate vicinity of the proposed development or elsewhere in the Township, as evidenced by a traffic study approved by the Delaware County Engineer.

18D.06.F Effect of Approval.

- 18D.06.F.1** The Zoning Commission's determination shall not be considered an amendment to the Township Zoning Resolution for purposes of Section 519.12 of the Revised Code. A negative decision of the Zoning Commission may be appealed by the Applicant first to the Township Trustees within thirty (30) days of the date of the Zoning Commission Decision, and thereafter from the decision of the Township Trustees pursuant to Chapter 2506 of the Revised Code. The approval of an applicant's Application for Final Development Plan approval pursuant to this POD is a ministerial act and shall not be considered a rezoning amendment to the Township Zoning Resolution for the purposes of Section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506 of the Revised Code.
- 18D.06.F.2** The approval of a Final Development Plan for any subarea shall be effective for a period of five (5) years (or for such other time period as may be approved as part of the Final Development Plan) in order to allow for the preparation and recording of a subdivision plat (if required under applicable law) and the commencement of construction following the issuance of a zoning permit(s). If no plat has been recorded within this approval period or, if platting is not required, if construction or other affirmative actions, efforts or planning has not commenced, and unless the Zoning Commission approves an extension of this time limit, a Development Plan shall expire. Extensions of an approved Final Development Plan shall not be unreasonably denied. Upon the expiration of the Final Development Plan, the subject parcel(s) shall remain zoned POD, but no use shall be established or changed, and no building, structure or improvement shall be constructed until an Application for a new Final Development Plan, accompanied by a new Final Development Plan, has been filed with and approved by the Township using the procedures and process then established for the approval of an initial Development Plan.

18D.06.F.3 An extension of the time limit for either recording the approved subdivision plat or the commencement of construction may be granted by the Zoning Commission upon Application of the owner(s), provided the Zoning Commission determines 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 recordation of the plat or the completion of the development of the project. The length of time permitted for an extension shall be determined based upon the Application submitted. A request for extension shall be filed prior to the expiration of the established approval period.

18D.06.F.4 Following the approval of a Final Development Plan, proposed variations from the approved Final Development Plan that involve only one (1) lot may be considered by the Board of Zoning Appeals under its hearing process pursuant to Article 25 of the Zoning Resolution. All other modifications to the Final Development Plan shall be presented to the Zoning Commission for its consideration pursuant to Section 18D.06.F.5, hereof.

18D.06.F.5 Upon application, the Zoning Commission may, at a duly held hearing, modify an approved Final Development Plan pursuant to the same procedures as the original Application in Section 18.06D. The request for modification may be approved upon a showing of a compelling reason and practical necessity for the same. Such modification is administrative in nature and not in conflict with the intent and purpose of the POD Planned Overlay District.

18D.06.G Fees. A fee as established by the Board of Trustees shall accompany an Application requesting approval of the Final Development Plan, as well as any request for extension or modification. In addition, the applicant shall also be responsible for all reasonable and necessary expenses incurred by Liberty Township in using professional consulting services to review the Final Development Plan. These expenses may include, without limitation, the actual costs for professional consultants such as attorneys, architects, landscape architects, planners and/or engineers utilized by the Township in connection with reviewing the Development Plan and related Application materials. As soon as reasonably practicable following the submission of an Application for approval of a Final Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist with reviewing the application.

Section 18D.07 - GENERAL DESIGN STANDARDS

All proposed developments within the POD shall be designed in accordance with generally accepted planning principles, including the design standards included in this Section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; and the sizes of yards and other spaces are in compliance with the purposes and standards of this Section. The Final Development Plan shall comply with the following design standards. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favor of this POD and all variances considered to accommodate or implement these POD standards, definitions and the general land uses as set forth herein. Items unaddressed or otherwise not listed within this Article 18D shall default to the Liberty Township Zoning Resolution.

18D.07.A Vehicular Access. Individual development projects shall have direct access to one or more improved roads (public or private in nature) that are either existing or proposed, of sufficient capacity to accommodate traffic generated by the proposed development. Provision for future connections to other public roads as required by the Township, or other applicable governmental authorities, shall be provided. Unless otherwise provided by an approved Final Development Plan, emergency vehicular connectivity shall be provided. Private roads and drives shall be maintained by the subarea owner or property owners' association.

18D.07.B Pedestrian Access. Pedestrian access shall be provided throughout the development so that uses are linked by sidewalks or other pathways. Sidewalks or paths may be located along roadways, through green space or open space, and other locations that make logical sense for pedestrian access. Other than direct pedestrian access between Subarea A and the remainder of POD 18D (pedestrian access is limited to roundabout locations across Sawmill at Hyatts and Clarkshaw), there shall be a pedestrian access system that links all uses and parcels internally.

18D.07.C Lighting. Lighting shall be coordinated for style and practicality given the particular use or design of each subarea.

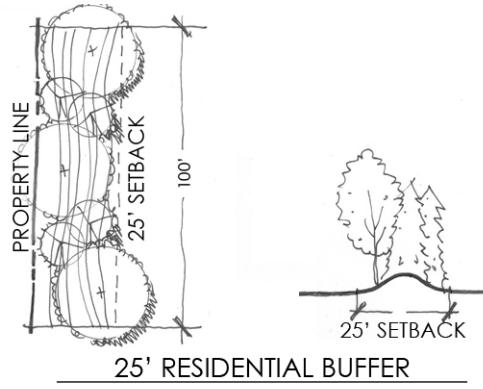
18D.07.D Signage. All signs and graphics within the POD shall be coordinated to be generally compatible in size, location, material, height, shape, color, and illumination. The Signage Plan for each subarea of the POD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The Signage Plan shall include the design, layout, and dimensions of all ground, monument, window, and wall signs as well as distances from right of way and the type and intensity of illumination. Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and associated lighting fixtures complement the appearance and architecture of the buildings and the POD and do not contribute to environmental degradation. Ground signs shall be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame shall be compatible with the subarea buildings' materials and colors. No video board signage shall be permitted.

18D.07.E Landscaping.

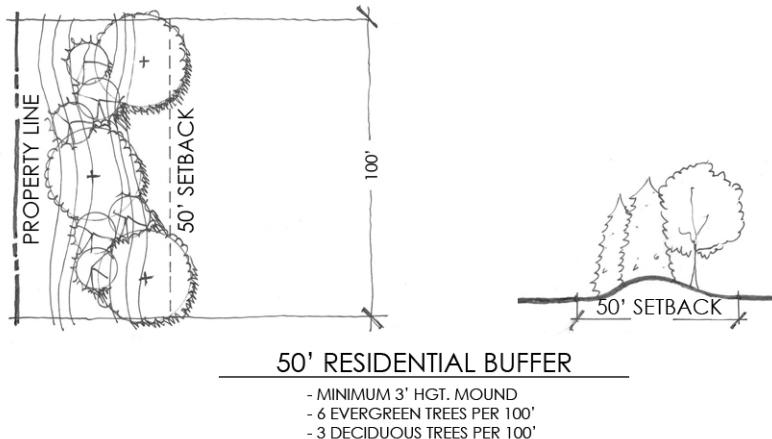
18D.07.E.i All yards (front, side, and rear) and all Open Space not covered by structure, asphalt or concrete and the like, shall be landscaped with grass and shrubbery/plantings and the like. All landscaping shall be maintained and kept in accordance with the Landscape Plan as submitted and approved. All vacant areas shall be kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage on adjoining land. A Landscape Plan shall show the caliper, height, numbers, name, and placement of all materials. The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape, or land uses. The landscape treatment proposed to be provided shall emphasize a pedestrian environment, separate pedestrian ways from parking areas, enhance architectural features, provide shade, and strengthen vistas and serve as an important axis between the development and other locations.

18D.07.E.ii The Landscape Plan shall preserve and be sensitive to the natural characteristics of the site and shall provide screening from adjacent Residential Uses and districts. Where natural or existing topographic patterns positively contribute to the appearance and utility of a development, they shall be preserved. Any proposed landscape mounds shall be designed with such slope, plant, and other landscape materials to minimize maintenance requirements and maximize the health and durability of the chosen plants and landscape materials. Overall unity of design shall be encouraged through landscape treatment. Plants that are indigenous to the area and others that are hearty, harmonious to the design, consistent with adjacent land uses, and, where applicable, of good appearance, shall be used.

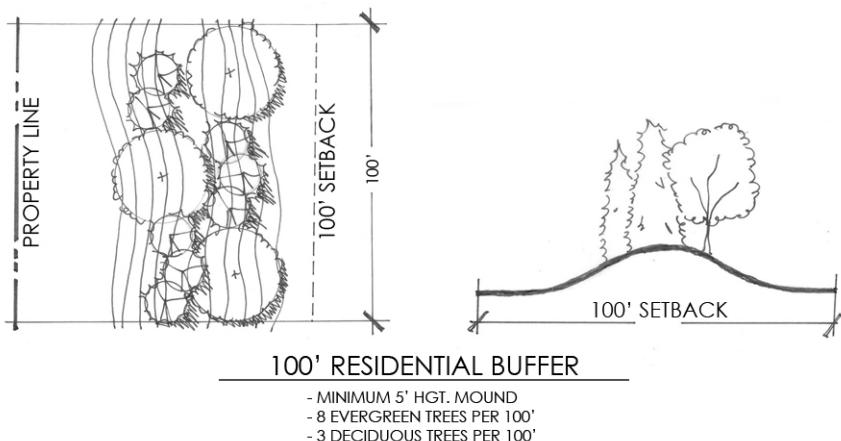
18D.07.E.iii An enhanced landscape buffer shall be provided within the setback in subareas A, B, C, D, and E where adjacent to existing residential homes (refer to Exhibit 1 for enhanced buffer locations). For 25' setbacks a minimum 3' hgt. undulating earth mound, 4 evergreen trees (8' height at install) per 100 linear feet, and 3 deciduous trees (2 1/2" caliper at install) per 100 linear feet shall be installed. See 25' Residential Buffer Exhibit below for more information.



For 50' setbacks a minimum 3' hgt. undulating earth mound, 6 evergreen trees (8' height at install) per 100 linear feet, and 3 deciduous trees (2 1/2" caliper at install) per 100 linear feet shall be installed. See 50' Residential Buffer Exhibit below for more information.



For 100' setbacks a minimum 5' hgt. undulating earth mound, 8 evergreen trees (8' height at install) per 100 linear feet, and 3 deciduous trees (2 1/2" caliper at install) per 100 linear feet shall be installed. See 100' Residential Buffer Exhibit below for more information. (Note- 75' Residential Buffer shall use the 100' Buffer Requirements for plantings, but within a 75' setback)



If any setback area is included within a residential building lot, the development shall provide for maintenance of the setback area by a property owners' association, as evidenced by deed restrictions or covenants that memorialize the obligation for such common maintenance. If properties that are adjacent the POD are rezoned or use is changed prior to development of that area in the POD, and those zonings are other than residential in nature, then the POD buffer shall be waived in that location (specifically properties that are located west of railroad, north of Hyatts, South of

Clarkshaw and East of Sawmill Parkway). (Refer to the above illustrations on each buffer type.)

If plants die after installation that are required by these buffer standards, they shall be replaced. The size of the replacements shall be no less than the original required minimum size or shall be 75% of the height/size of surrounding plantings if the plant dies after the landscape has been installed and growing over time. No white pines shall be used for evergreen trees

18D.07.F Environmentally Sensitive Areas. All proposed development within the POD shall consider and to the greatest extent practicable, sensitive areas, wetlands, streams, etc. Encroachments for infrastructure shall be permitted. All development within the POD shall comply with the rules of the Ohio EPA and US Army Corps of Engineers, as may apply. OEPA Olentangy Permit stream delineation and mitigation setbacks shall be included and noted on final development plans.

Section 18D.08 - DEVELOPMENT STANDARDS

The Final Development Plan shall comply with the following development standards:

- 18D.08.A** Tract Size. The gross area of a tract of land (i.e., subarea) proposed to be developed in the POD shall consist of a minimum of ten(10) acres, exclusive of right-of-way. No minimum lot size is required. However, all lots shall be of sufficient area to comply with the required yard areas, setbacks and other design and development standards as set forth in this POD.
- 18D.08.B** Intensity of Use. All buildings shall be erected on permanent foundations and shall be constructed of conventional building materials of a quality equal to or better than those used in existing buildings in nearby areas or as specified herein.
- 18D.08.C** Development by Subarea. Development of the POD is planned on a subarea basis:
Commercial and Healthcare Uses. If the uses set forth in Section 18D.03.2 that are limited per subarea and are proposed in Subareas permitted for such uses as prescribed below, the development standards of Liberty Township Zoning Resolution Article 15 shall apply to this POD for those uses only.

Subarea A:

Acreage: 19.4 +/- ac

Uses: Multi-Family Residential and/or Attached Homes and ancillary services related to those uses as allowed in Section 18D.04.

Units: 208 du maximum

Subarea B:

Acreage: 19.47 +/- ac

Uses: Commercial Uses per 18.D.03.2, limited as follows:

311811 Retail Bakeries

31213 Wineries (and related uses)
32311 Printing
4413 Automotive Parts, Accessories, and Tire Stores (excludes tire stores, auto salvage yards, and used automotive parts)
442 Furniture and Home Furnishings Stores
443 Electronics and Appliance Stores
444 Building Material and Garden Equipment and Supply Dealers (excludes 444190, lumber retailing yards, 444190, and prefabricated building dealers)
445 Food and Beverage Stores (excludes ancillary gas pumps)
446 Health and Personal Care Stores
448 Clothing and Clothing Accessories Stores
451 Sporting Goods, Hobby, Musical Instrument and Book Stores
452 General Merchandise Stores (excludes 452910 Superstores and Warehouse Clubs, and 452990 Dollar Stores)
453 Miscellaneous Store Retailers (excludes 453930 mobile home dealers)
51 Information (excludes 51213 – Motion Picture Theaters, and any adult related production)
52 Finance and Insurance (excludes 522298, Pawnshops and 522390, payday lending services)
531 Real Estate (excludes any category 531130 use associated with mini warehouse self-storage)
53242 Office Machinery and Equipment Rental and Leasing
54 Professional, Scientific and Technical Services
61 Educational Services (excludes 611519 truck driving schools)
62412 Services for the elderly and persons with disabilities
6244 Child day care
71112 Dance Companies
71394 Fitness and Recreational Centers
71395 Bowling Centers (as secondary use, i.e.: Pins Mechanical)
722 Food Services and Drinking Places
813 Religious, Grant making, Civil, Professional and Similar Organizations
92 Public Administration (except 92214 – Correctional Institutions and 92215 Parole Offices and Probation Offices)

Density: maximum 12,000 square feet per acre.

No single commercial building shall exceed 65,000 square feet.

Subarea C:

Acreage: 30.76 +/- ac

Use: Single-Family Residential and/or Attached Homes, Patio Homes

Units: 75 du maximum

Commercial Uses per 18D.03.2 (Sawmill frontage, and south of power line easement only), limited as follows:

311811 Retail Bakeries

31213 Wineries (and related uses)

32311 Printing

4413 Automotive Parts, Accessories, and Tire Stores (excludes tire stores, auto salvage yards, and used automotive parts)

442 Furniture and Home Furnishings Stores

443 Electronics and Appliance Stores

444 Building Material and Garden Equipment and Supply Dealers (excludes 444190, lumber retailing yards, 444190, and prefabricated building dealers)

445 Food and Beverage Stores (excludes ancillary gas pumps)

446 Health and Personal Care Stores

448 Clothing and Clothing Accessories Stores

451 Sporting Goods, Hobby, Musical Instrument and Book Stores

452 General Merchandise Stores (excludes 452910 Superstores and Warehouse Clubs, and 452990 Dollar Stores)

453 Miscellaneous Store Retailers (excludes 453930 mobile home dealers)

51 Information (excludes 51213 – Motion Picture Theaters, and any adult related production)

52 Finance and Insurance (excludes 522298, Pawnshops and 522390, payday lending services)

531 Real Estate (excludes any category 531130 use associated with mini warehouse self-storage)

53242 Office Machinery and Equipment Rental and Leasing

54 Professional, Scientific and Technical Services

61 Educational Services (excludes 611519 truck driving schools)

62412 Services for the elderly and persons with disabilities

6244 Child day care

71112 Dance Companies

71394 Fitness and Recreational Centers

71395 Bowling Centers (as secondary use, i.e.: Pins Mechanical)

722 Food Services and Drinking Places

813 Religious, Grant making, Civil, Professional and Similar Organizations

92 Public Administration (except 92214 – Correctional Institutions and 92215 Parole Offices and Probation Offices)

Density: maximum 17,000 square feet per acre.

No single commercial building shall exceed 65,000 square feet.

Subarea D:

Acreage: 18.00 +/-ac

Use: Healthcare Uses per 18D.03.2, limited as follows:

54 Professional, Scientific and Technical Services

55 Management of Companies and Enterprises (as a support or auxiliary use)

561 Administrative and Support Services (as a support or auxiliary use, excludes 561210, Correctional Facility operation on a contract or fee basis)

61 Educational Services (as a support or auxiliary use, excludes 611519 truck driving schools)

621 Ambulatory Health Care Services

622 Hospitals
623 Nursing and Residential Care Facilities (excludes 623990, halfway group homes for delinquents and ex-offenders)
62412 Services for the elderly and persons with disabilities (as a support or auxiliary use)
6244 Child day care (as a support or auxiliary use)
71394 Fitness and Recreational Centers (as a support or auxiliary use)
722 Food Services and Drinking Places (as a support or auxiliary use)
811 Repair and Maintenance (except 8113 – Commercial and Industrial Machinery and Equipment Repair and Maintenance) (related to repair of medical related equipment, as a support or auxiliary use)
812 Personal and Laundry Services (excludes 812332 – Industrial Launderers, 812199, tanning salons, tattoo parlors, Turkish bathhouses or Turkish baths, massage parlors, 812310, coin operated laundry services, 812990, bondsperson services, bail bonding services, dating services, escort services, social escort services, as a support or auxiliary use)
Or any other use that is applicable or relatable to the operation of a modern medical facility

Density: maximum 17,000 square feet per acre. Support or auxiliary uses in a separate structure shall not exceed 65,000 square feet under one roof.

Sub Area E:

Acreage: 102.56 +/- ac.

Use(s): Single Family Residential , Attached Homes,

Units: 315 du maximum

Commercial Uses per 18.D.03.2, limited as follows:

1114 Greenhouse, Nursery and Floriculture Production

311811 Retail Bakeries

31213 Wineries (and related uses)

32311 Printing

4413 Automotive Parts, Accessories, and Tire Stores (excludes tire stores, auto salvage yards, and used automotive parts)

442 Furniture and Home Furnishings Stores

443 Electronics and Appliance Stores

444 Building Material and Garden Equipment and Supply Dealers (excludes 444190, lumber retailing yards, 444190, and prefabricated building dealers)

445 Food and Beverage Stores (excludes ancillary gas pumps)

446 Health and Personal Care Stores

448 Clothing and Clothing Accessories Stores

451 Sporting Goods, Hobby, Musical Instrument and Book Stores

452 General Merchandise Stores (excludes 452910 Superstores and Warehouse Clubs, and 452990 Dollar Stores)

453 Miscellaneous Store Retailers (excludes 453930 mobile home dealers)

51 Information (excludes 51213 – Motion Picture Theaters and any adult related production)

52 Finance and Insurance (excludes 522298, Pawnshops and 522390, payday lending services)

53242 Office Machinery and Equipment Rental and Leasing

531 Real Estate (excludes any category 531130 use associated with mini warehouse self-storage)
 54 Professional, Scientific and Technical Services
 55 Management of Companies and Enterprises
 561 Administrative and Support Services
 61 Educational Services (excludes 611519 truck driving schools)
 621 Ambulatory Health Care Services
 622 Hospitals
 623 Nursing and Residential Care Facilities
 62412 Services for the elderly and persons with disabilities
 6244 Child day care
 71112 Dance Companies
 7113 Promoters of Performing Arts, Sports, and Similar Events (excludes any outdoor events that are permanent such as amusement parks or concert venues, similar to Polaris amphitheater)
 71394 Fitness and Recreational Centers
 722 Food Services and Drinking Places
 813 Religious, Grant making, Civil, Professional and Similar Organizations
 92 Public Administration (except 92214 – Correctional Institutions and 92215 Parole Offices and Probation Offices)

Density: maximum 17,000 square feet per acre
 No single commercial building shall exceed 65,000 square feet.

The above total number of units shall be the maximum number of units within this POD. The maximum allowable units shall not be exceeded per subarea, and Commercial densities aggregated by acre shall not be exceeded.

18D.08.D Frontage, Setbacks and Yard Areas. Setbacks, frontage, and yard areas shown on POD Standards Chart are incorporated by reference herein. Roadways and access drives/curb cuts may extend into setback areas. No accessory structures shall be closer than 10' from rear property line or 5' from the side property line of a new lot created or associated with POD18D. No accessory structures, roadway, access drive or curbs shall be located within any required buffer yard along the perimeter of POD 18D as shown on Exhibit 1.

18D.08.E Lot Coverage and Building Height.

18D.08.E.1 Lot Coverage. The ground area occupied by all the buildings, structures, driveways, traffic circulation areas, parking areas, sidewalks and all other impervious surfaces shall not exceed in the aggregate seventy percent (70%) of the total area of POD18D. A minimum of 30% open space shall be required over the entire POD18D area as an aggregate. Any individual parcel or lot may have a maximum of 80% lot coverage, but the balance shall be made up elsewhere in the POD.

18D.08.E.2 Building Height.

- a.) Single Family, Attached Homes and Multi-Family Dwellings: No building or structure for any permitted use shall exceed two stories in height, (except that Townhome buildings may be two and one half (2 1/2) stories in height), or 40'. Chimneys, flagpoles, parapets, cupolas, and other similar architectural elements may exceed this height limitation by no more than eight (8) feet.
- b.) Commercial and Health Care uses: No building or structure shall exceed forty (40) feet in height. Chimneys, flagpoles, parapets, cupolas, and other similar architectural elements may exceed this height limitation by no more than ten (10) feet.

18D.08.F Architectural Standards.

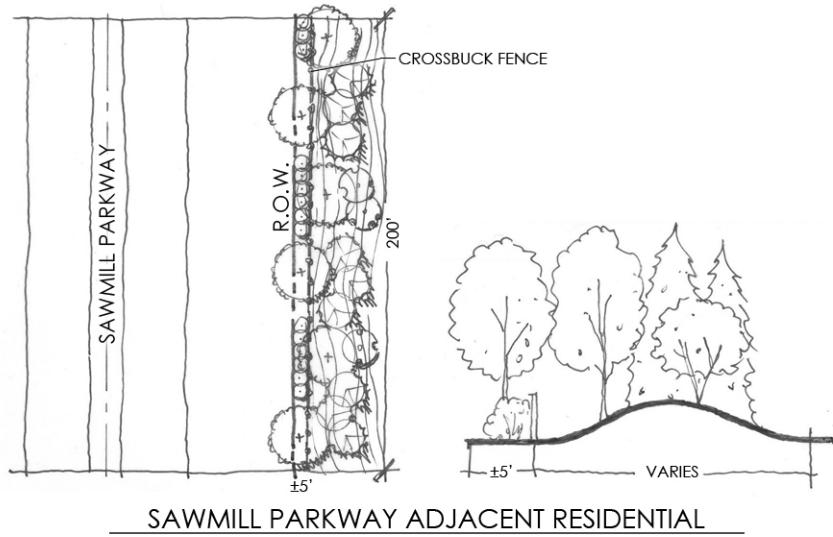
18D.08.F.1 Architectural Review Board. Prior to the submission of the final development plan, an applicant shall submit the architectural plans to the Township Architectural Review Board (ARB) for review and approval.

18D.08.F.2 Design Elements. The architectural style and design of structures, including fencing, landscaping and other public and private improvements shall take into consideration the overall physical appearance of the proposed development and its compatibility with surrounding developments, uses, to ensure harmony, creativity and complimentary visuals throughout the site and general area. Fencing shall include a black cross-buck style fence along major roadways to include, but not limited to, Sawmill Parkway, Clark-Shaw Road, and Hyatts Road. Subsequent architectural items may be defined up until the time each Subarea is developed. All materials used to construct buildings within the POD shall be utilized in such a manner as to be architecturally and aesthetically compatible, so long as the proposal utilizes the permitted materials as specified by Section 18D.08.F.2 below. Creativity in design is encouraged; however, that creativity shall be consistent with the goals and requirements established for the POD by this Article 18D. At Clark-Shaw & Hyatt entrance areas 'horse sculptures', similar in nature to those at Liberty Township's southern boundary limits at Sawmill, shall be integrated into the design.

A landscape street treatment shall be applied to any development that is adjacent to Sawmill Parkway, Clark-Shaw Road, or Hyatts Road. With residential developments having a more dense treatment than a commercial, office, medical use, innovative technology, research and development, or logistics developments. All street treatment plantings may be grouped or spaced evenly, and the calculation of the number of plantings required should exclude any entry or exit drives.

For a residential development that is adjacent to Sawmill Parkway a minimum 3' hgt. mound is required, along with a black crossbuck fence, 6 deciduous trees per 200 linear feet (2 1/2" at install), 9 evergreen trees (8' at install) per 200 linear feet, 3 ornamental trees (1 1/2" or 6' height at install) per 200 linear feet, and 15 deciduous

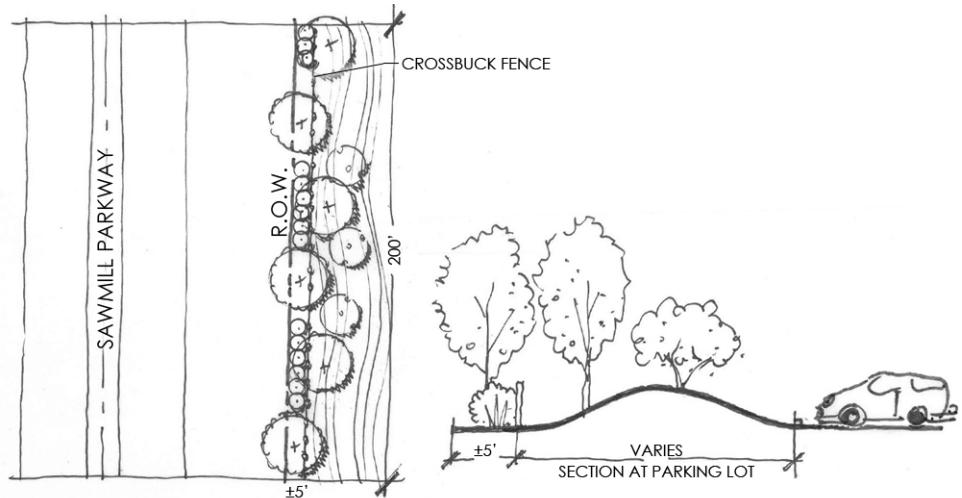
shrubs(18" min. height at install) or 45 perennials (1 gallon min. at install) per 200 linear feet. See Sawmill Parkway Adjacent Residential Exhibit below for more information.



SAWMILL PARKWAY ADJACENT RESIDENTIAL

- MINIMUM 3' HGT. MOUND
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 9 EVERGREEN TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- 15 DECIDUOUS SHRUBS **OR** 45 PERENNIALS PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

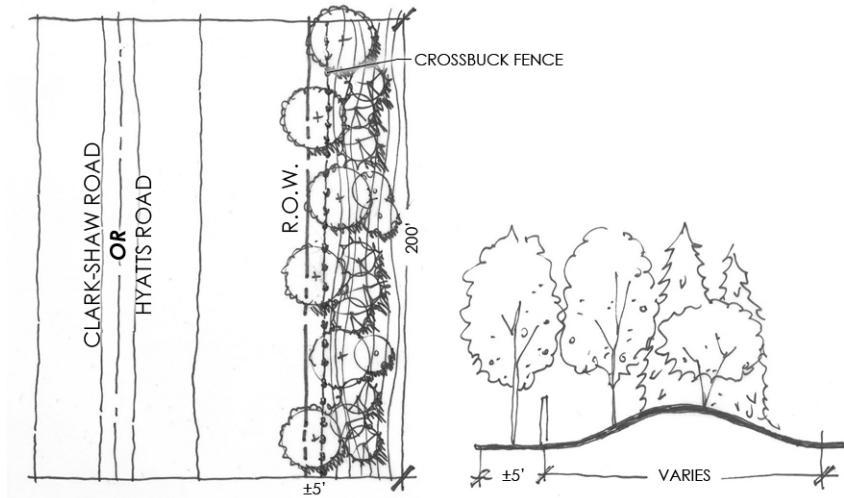
For a commercial, office, medical use, innovative technology, research and development, or logistics development that is adjacent to Sawmill Parkway a minimum 3' hgt. mound shall be required only if it abuts a public right-of-way. Also required is a black crossbuck fence, 6 deciduous trees per 200 linear feet (2 1/2" at install), 3 ornamental trees (8' height at install) per 200 linear feet, and 15 deciduous shrubs (18" min. height at install) or 45 perennials (1 gallon minimum at install) per 200 linear feet. See Sawmill Parkway Adjacent Commercial Exhibit below for more information.



SAWMILL PARKWAY ADJACENT COMMERCIAL

- MINIMUM 3' HGT. MOUND (ONLY NECESSARY IF ADJACENT TO A PARKING LOT)
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 3 EVERGREEN TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- 15 DECIDUOUS SHRUBS **OR** 45 PERENNIALS PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

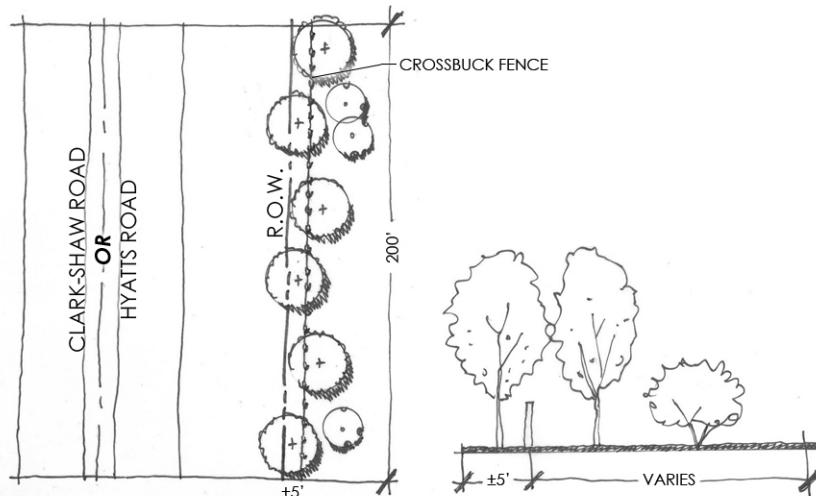
For a residential development that is adjacent to Clark-Shaw Road or Hyatts Road a minimum 3' hgt. mound is required, along with, a black crossbuck fence, 6 deciduous trees (2 1/2" at install) per 200 linear feet, 9 evergreen trees (8' height at install) per 200' linear feet, and 3 ornamental trees (1 1/2" or 6' height at install) per 200 linear feet. See Clark-Shaw & Hyatts Adjacent Residential Exhibit below for more information.



CLARK-SHAW & HYATTS ADJACENT RESIDENTIAL

- MINIMUM 3' HGT. MOUND
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 9 EVERGREEN TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

For a commercial, office, medical use, innovative technology, research and development, or logistics development that is adjacent to Clark-Shaw Road or Hyatts Road a minimum 3' hgt. mound is required only if it abuts a public right-of-way. Also required is a black crossbuck fence, 6 deciduous trees (2 ½" at install) per 200 linear feet, and 3 ornamental trees (1 ½" or 6' height at install) per 200 linear feet. See Clark-Shaw & Hyatts Adjacent Commercial Exhibit below for more information.



CLARK-SHAW & HYATTS ADJACENT COMMERCIAL

- MINIMUM 3' HGT. MOUND (ONLY NECESSARY IF ADJACENT TO A PARKING LOT)
- BLACK CROSSBUCK FENCE
- 6 DECIDUOUS TREES PER 200'
- 3 ORNAMENTAL TREES PER 200'
- * ALL PLANTINGS MAY BE GROUPED OR SPACED EVENLY

If plants die after installation that are required by these frontage standards, they shall be replaced. The size of the replacements shall be no less than the original required minimum size or shall be 75% of the height/size of surrounding plantings if the plant dies after the landscape has been installed and growing over time. No white pines shall be used for evergreen trees.

18D.08.F.3 Materials. The exterior elevations of all proposed buildings and screening structures shall only consist of any or any combination of the following:

- a.) Wood.
- b.) Native or cultured stone or stone veneer.
- c.) Upscale Vinyl with thickness 0.044" (nominal) , minimum 6" width.
- d.) Stucco/EIFS.
- e.) Pre-cast concrete where used as an accent.
- f.) Cementitious siding (such as 'HardiPlank' or similar) and/or composite siding (such as SmartSide or similar).
- g.) Metal and glass (except for multi-family uses).
- h.) Brick accents
- i.) composite wood materials
- j.) Any materials deemed by the Zoning Commission to be acceptable substitutions for the above natural materials.

The above material requirements shall not be applicable to soffits, facia windows, downspouts, gutters, window glazing, trims and reveals, as well as hardware and similar accents. Specific requirements per use are further describe in section 18D.08.F.5

18D.08.F.4 Roofing. All residential pitched roofs shall be of dimensional shingles, standing seam metal, slate, or simulated slate, unless otherwise approved in the Final Development Plan.

Roof pitches for primary residential buildings that are visible shall be minimum 6:12 (accent features such as porches, dormers, and garages may have less than 6/12 roof pitch.) Specific requirements per use are further describe in section 18D.08.F.5.

18D.08.F.5 **Architectural Requirements:** All multifamily dwellings, attached homes, and commercial, office and medical related uses in all subareas shall be designed to be seen from three hundred sixty degrees (360°) and have the same caliber of finish on all elevations. Building additions and Accessory Structures, whether attached or detached, shall be of similar design, materials, and construction to that of the existing or principal structure. The following standards shall also apply to structures for the following uses:

Commercial, Office, and Medical Use Buildings:

1. Blank walls shall not be permitted. There shall be a minimum of three design elements for every one hundred (100) feet of elevation width for an elevation facing a public Right of Way and a minimum of two (2) design elements for every one hundred (100) feet of elevation for each side and rear elevation that does not front on a public right-of-way.

Typical design elements are as follows:

- a. A door of at least twenty-eight (28) square feet in area with an awning, window, faux window, or other feature subject to approval by the ARB as

applicable.

- b. A window of at least six (6) square feet in area. Windows closer than ten (10) feet shall be considered as one (1) element. A set of adjacent windows, such as double or bay windows, shall be considered one element.
- c. Portico.
- d. Dormers.
- e. Projecting canopy.
- f. Masonry water table.
- g. A gabled vent of at least four (4) square feet in area.
- h. Patio, deck, or similar feature; or
- i. A similar significant permanent architectural feature consistent with the style of the building upon approval of the ARB as applicable.

2. All elevations shall have similar style, materials, colors, and details.
3. Façade Appearance. A building frontage that exceeds a width of fifty (50) feet shall incorporate sectioning and offset of the wall plane to inhibit a large expanse of blank wall and add interest to the façade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, gables, dormers, or other architectural treatments.
4. Materials.

Predominant Materials. All exterior walls shall be comprised of eighty (80) percent of natural materials or of synthetic materials that the township has deemed to mimic the look of natural materials. This permitted list of materials includes only the following: brick, stone, cultured or cast stone, E.I.F.S., wood, or fiber cement. Foundations must be clad with the same natural material utilized on building to blend with the overall architecture of the structure. Exposed cement block or split face block foundations shall be prohibited.

As technology evolves, newer synthetic materials, that did not exist at the time of the adoption of this Article, may be created and may mimic the look of the natural materials required within this Section. The Zoning Commission may approve the use of a newer material under the following conditions:

1. The manufacturing of said material did not exist at the time of adoption of this Article and
2. The ARB determines that said material provides a substantially similar appearance to the natural materials required by this section.

- a. Accent Materials: Fiber cement, E.I.F.S., and like materials may be used as accents provided the total square footage of accent material does not exceed twenty (20) percent of the gross exterior building wall square footage. Other natural materials may also be incorporated into the building's exterior design. Vinyl and/or aluminum shall be prohibited except when used for trim details such as downspouts, soffits, gutters, and shutters.
- b. Glass. The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in

some cases, subject to approval of ARB and Zoning Commission, as applicable.

5. Roofing. All single-story buildings shall have a pitched roof. Multi-story buildings may be permitted to have flat roofs. When pitched roofs are utilized, they shall be constructed of dimensional shingles, standing seam metal, slate, or simulated slate.
6. In-Line Retail Exemption. Side or rear elevations of an in-line retail development may be exempt from the building design standards if such elevations are not visible to customer traffic, a public right-of-way, or if a future phase of the in-line retail development is forthcoming adjacent to the elevation. Such exempt elevations shall use materials complimentary to the primary elevation and be screened by landscaping, mounding fencing, or a combination thereof, as deemed appropriate.
7. For buildings in Commercial Subareas only

Drive Thru Features. A drive thru, if deemed appropriate for the site, shall be designed as an integral part of the structure it serves. Features incorporated with a drive thru including, but not limited to, canopies, awning, and support posts shall match the materials and color scheme of the building they are serving. Drive thru features shall not have any pickup windows, ordering areas, signage, or other related items located on the front elevation of a building or located between the building and a street right-of-way.

Innovative Technology, Logistics, and Research and Development

1. **Facade.** Sides of building visible from a public right-of-way shall be broken up with architectural design elements, landscaping, or a combination thereof.
2. **Use of Color.** Earth tones, muted hues, and natural tones are permitted as a structure's base color. Brighter hues are permitted only as an accent feature on building elements such as awnings, doors, and trim. A mixed color palette on a single building should be carefully selected so all colors harmonize with each other.
3. **Glass.** The use of black, gold, green, silver, opaque or any other reflective or colored glass on a building is prohibited. Frosted glass may be permitted in some cases, subject to approval of the ARB and Zoning Commission, as applicable.
4. **Pole Building Prohibited.** All buildings shall be constructed on a continuous, permanent foundation. Pole buildings shall not be permitted.

Multi-Family Dwellings, Attached Homes

1. Each elevation of a Multi-Family dwelling or attached home must include design elements as described herein.
2. Multi-family dwellings shall provide design elements as follows: side or rear elevation must contain at least two (2) design elements. Each front elevation must contain at least three (3) design elements per dwelling unit contained

within the building. On two-story dwellings, each story on a single elevation shall contain at least one (1) design element. Typical “design elements” are listed, but this list is not all-inclusive:

- a. A door of at least seventeen (17) square feet in area.
- b. A window of at least six (6) square feet in area. Windows with a horizontal separation of less than ten (10) feet shall be considered as one (1) design element. Sets of adjacent windows, such as double or bay windows, shall be considered as one (1) design element.
- c. A chimney.
- d. A gable vent of at least four (4) square feet in area.
- e. Porches, decks, or similar structures or
- f. A similar significant permanent architectural feature consistent with the style of the building upon approval by the ARB.

3. Exterior cladding material used on all principal and Accessory Structures shall be brick, stone, cultured or cast stone, EIFS, wood, vinyl siding (0.044 mm or greater, 6" minimum width), and fiber cement siding. Vinyl and/or aluminum may be used for trim details such as downspouts, soffits, gutters, and shutters.
4. Foundation that are exposed more than twelve inches (12") materials shall be brick, stone, stamped concrete, or a textured concrete block compatible with the structure.
5. All exposed exterior chimneys shall have a brick or stone appearance and shall extend from the ground elevation to an elevation above the roof line at the location of the chimney.

18D.08.F.5 Generators. Any onsite external generators shall be positioned so that they are blocked from proposed or existing residential uses by proposed buildings or masonry structures to lessen sound from operation. All generators shall be screened from view with a wall to 1' above the height of the generator, and landscaping shall be utilized to soften the wall. The wall shall be constructed of the same materials and match the architectural features of the building.

18D.08.G Exterior Lighting. The Exterior Lighting Plan is subject to the following requirements:

18D.08.G.1 Traffic signals shall be in accordance with any applicable county or state regulations.

18D.08.G.2 Site lighting shall be required for each commercial subarea, designed to sufficiently illuminate the site, and minimize spillover from the property.

18D.08.G.3 Light poles shall not exceed twenty (20) feet in height and should be in harmony with the parcel, building, and parking lot size as well as the surrounding area. Parking lot lighting shall be of a standard light source and type. The style shall reflect a traditional design, ideally consistent throughout the corridor.

18D.08.G.4 Building, pedestrian, and landscape lighting may be incandescent, metal halide, LED or other sustainable lighting as determined by the Zoning Commission.

18D.08.G.5 All commercial parking lot areas exclusive of driveways shall have a maximum light intensity of twenty (20) foot candles and an average light intensity between one half (0.5) foot candle and three (3) foot candles.

18D.08.G.6 All external lighting shall be decorative, cut-off type fixtures and downcast to reduce spillover, and shall be located so as to be internal to the project. Outdoor lighting shall be directed, reflected, or shielded so as not to be of excessive brightness or cause glare hazardous to pedestrians or drivers, create a nuisance or unreasonably interfere with a neighboring property owner's right to enjoy his property. Light spillover shall not exceed one tenth (0.1) foot candles when adjacent to a residential zoning district or an existing Residential use.

18D.08.G.7 Luminaires should have a minimum cut-off of forty-five (45) degrees, to provide glare control to pedestrian and vehicular traffic, as well as distinct beam cut-off on the outer perimeter of the setback areas.

18D.08.G.8 All Landscape Up-light Fixtures shall be screened by landscaping and cut-off in design. This type of lighting shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.

18D.08.G.9 No permanent-colored lights or neon lights shall be used on the exterior of the buildings. Flashing lights shall be prohibited.

18D.08.G.10 External building lighting shall be limited to wall-mounted sconces and wall pack fixtures.

18D.08.H Signage. Graphics and Signage in the POD shall conform to Section 18D.07.D and Article 20 of the Zoning Resolution or as approved by the Zoning Commission.

18D.08.I Landscaping. All yard areas and Open Spaces shall be landscaped in accordance with an approved landscape plan. Natural foliage shall be retained as buffers where practicable. The Landscape Plan shall comply with the following requirements:

18D.08.I.1 Exterior Areas. Grass (seed or sod), shrubs, trees, garden planting areas or other appropriate landscape materials shall be planted in all exterior areas. Other groundcover, such as ivy, may be planted in exterior areas which are not occupied by required landscaping material or required for drainage. All vacant areas shall be

kept seeded and maintained in such a manner as to prevent erosion of the property and excess drainage.

18D.08.I.2 Plants. All plants shall meet or exceed the American Standard for Nursery Stock as set forth by the American Association of Nurserymen.

18D.08.I.3 Tree Preservation. Reasonable and good faith efforts will be made to preserve existing trees. Consideration shall be given to laying out service roads, lots, structures, and parking areas to avoid the unnecessary destruction of wooded areas and individual trees. Additionally, standard tree preservation practices shall be used to preserve and protect trees during all phases of construction, including the installation of snow fencing as necessary to protect existing trees.

18D.08.J Parking and Loading. Parking shall be paved prior to receipt of a final Certificate of Compliance, with adequate provisions for ingress and egress according to the approved Development Plan, unless a phasing schedule is approved as part of a Development Plan. All parking shall conform with the following provisions:

18D.08.J.1 Minimum Number of Parking Spaces Required.

For Single Family, Attached Homes, or Multi-family residential, a minimum of two (2) parking spaces for each Dwelling Unit is required.

For Commercial, Healthcare, and other allowed uses, parking requirements shall be per Liberty Township Code.

Parking for any on site amenities or recreational facilities/activities that are a secondary or auxiliary use, such as a clubhouse to a multi-family or patio home development may be reduced ninety percent (90%) by right and reduced to zero by the Zoning Commission upon Development Plan approval.

Parking spaces shall be 9' x 18', except that parking spaces may be reduced to 8'x18' for garage spaces, parking spaces in front of garages, ADA spaces and/or additional parking areas that exceed the aggregate minimum number.

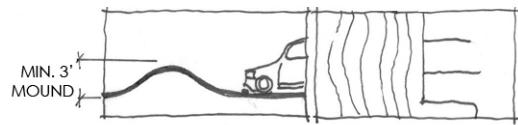
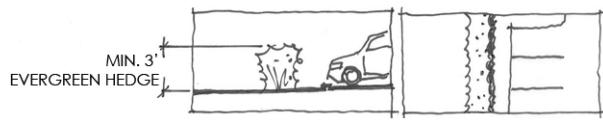
Surface parking spaces, driveway spaces and garages spaces may count toward required parking.

On-Street Parking in Single Family, Attached Homes and Multi-family Proposals. On street parking shall be permitted on both sides of the street, upon final approval of the fire department.

In Attached Homes and Multi-Family Dwelling proposals in the POD, an applicant may be allowed to count parallel or angled On-Street Parking spaces located along private streets towards the minimum parking requirements of this POD.

To preserve and create more useable greenspace, developments are encouraged to utilize the minimum parking areas/spaces needed. Justification for a reduction in parking spaces less than code requirements presented to the Zoning Commission during the final Development Plan Approval shall be considered. If the reduction is deemed feasible by the Commission, the reduction shall be permitted, provided that the required spaces are converted to green space and 'land banked' as open space. This open space shall be in addition to any previously required open space requirements.

Parking areas for individual parcels that are located within 150' of Hyatts, Sawmill Parkway, Clarkshaw Road, or any new internal public road, shall be limited to one bay of parking between the proposed structure and public roadway. Parking may also be located at the side of the buildings. Each parking area that is located adjacent Hyatts, Sawmill Parkway, Clarkshaw Road, or any new internal public road shall have vehicular use screening. Screening shall be accomplished by vegetation or mounding, or a combination of both, and shall be a minimum height of 3 feet as measured from adjoining parking lot surfaces. If vegetation is used, plant material shall be a minimum of 18" height at installation and reach 3' height screening within 3 years of installation. See Parking Lot Screening Exhibit below for more information.



PARKING LOT SCREENING

MINIMUM 3' HGT. MOUND **OR** 3' HGT. EVERGREEN HEDGE
(AS MEASURED FROM PARKING LOT)

18D.08.J.3 Residential Driveways shall be permitted to be 8 feet wide (minimum). Residential Driveways shall have maximum slopes of 12%. Residential Driveways may be located no closer than 5 feet from intersections of private streets only. No residential or commercial driveway shall be located so that it enters a public road within twenty (20) feet of the intersection of any two (2) public road rights of way. This requirement shall not apply to and there shall be no restriction for a driveway entering into the opposing right of way of a "T" intersection. Commercial driveways shall be a minimum of 20' in width.

18D.08.K Open Space. A minimum of thirty percent (30%) of the total POD acreage shall remain and be utilized as Open Space, the "POD Total Open Space Requirement." A minimum of ten percent (10%) of the total POD acreage shall be organized within each Subarea as Open Space, the "Subarea Open Space Requirement." Open Spaces may include features such as, but not limited to, bike paths, walking paths, existing bodies of water, water impoundments, public and private utility easement areas,

forested and landscaped areas not included in a single-family yard requirement, and similar features. Open Space may include the enhanced landscape buffer area provided within setbacks in subareas A, B ,C, D, and E where adjacent to the existing residential homes along Clarkshaw and Hyatts Road. Required Open Space shall be restricted as follows:

1. Open space in Commercial and office areas may include retention and detention areas, as well as areas under power line easements.
2. Open Space in Residential areas may include detention and retention areas as well as areas under power lines but can only be used to fulfill 15% of the required open space.

The area of the normal pool elevation of the proposed drainage areas shall be used to determine the amount of acreage of the drainage feature. No features shall be designed which are likely to cause erosion or flooding. The applicant for each Final Development Plan shall have the responsibility for updating the documentation showing compliance with the POD Total Open Space Requirement. The responsibility for maintenance of Open Space within each subarea shall be specified by the applicant in writing within a Final Development Plan. Open Space may be proposed to be owned by an Association, the Township or other governmental entity, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership if appropriately restricted.

18D.08.L Multi-Use Paths and Pedestrian Access. Interconnectivity shall be provided for pedestrians and nonmotorized uses. Sidewalks shall be located along internal streets and roads with additional facilities through open spaces and connections at logical locations. Wider bike paths shall be provided on at least one side of larger arterial roads and where connections to regional systems are warranted. Larger proposals should include a master bikeway/pedestrian plan. OPAL shall be consulted to provide recommendations in developing a comprehensive pathway plan for POD 18D.

18D.08.M Trash and Garbage Control (Attached Homes or Multi-Family Residential). All trash and garbage shall be stored in container systems (dumpsters or compactors) which are located at the rear of the building or at the side of the building if the side is not oriented towards an existing or planned right-of-way(s) and must be enclosed on all four (4) sides with either a masonry enclosure or wood fencing at a minimum of six (6) feet in height.

18D.08.N Utilities. All utility lines constructed to service the proposed development shall be located underground. Mechanicals, whether roof mounted or on the ground, shall be screened with architectural features and/or landscaping. Notwithstanding anything to the contrary, this provision shall not apply to the existing high-tension electric transmission lines that are located on the property.

18D.08.O Storm water Basins. Bio-retention basins, or rain gardens, may be used when approved by the Zoning Commission as part of a Development Plan and upon approval from Delaware County. Storm water basins, drains, impoundments, and appurtenances of any kind may be in the front, side, or rear yard(s) of any lot. All storm water basins shall be constructed per the requirements adopted by Delaware County Soil and Water and shall have no minimum or maximum size.

18D.08.P Other Requirements. Conflicts between this POD and the Liberty Township Zoning Resolution shall be resolved first in favor of this POD and all variances considered to accommodate or implement

these POD standards, definitions and the general land uses as set forth herein. Unless specifically set forth by the standards contained in this Article 18D or those standards approved by divergence, the general development standards found in Article 7 of the Liberty Township Zoning Resolution shall apply.

Section 18D.09 — SETBACK STANDARDS

SUBAREA	A	B	C	D	E
PERMITTED USES	Multi-Family Homes, Attached Homes,	Commercial Uses	Single-Family Homes, Attached Homes, and Commercial Uses (Sawmill Frontage Only)	Commercial Uses (Healthcare related and support uses only)	Single-Family Homes, Attached Homes, Commercial Uses
Clarkshaw Road Building setbacks	N/A	80' from centerline	80' from centerline	N/A	N/A
Clarkshaw Road Parking setbacks	N/A	55' from centerline	55' from centerline	N/A	N/A
Hyatts Rd Building setbacks	N/A	N/A	N/A	130' from centerline	130' from centerline
Hyatts Rd Parking setbacks	N/A	N/A	N/A	130' from centerline (or 25' from ROW, whichever is greater)	130' from centerline (or 25' from ROW, whichever is greater)
Sawmill Pkwy Building + Parking setbacks	140' from Sawmill Centerline	130' from Sawmill Centerline	130' from Sawmill Centerline	130' from Sawmill Centerline	N/A
Perimeter Setbacks Adjacent to Existing Residential/FR1/ PRD and Railroad ROW Use (unless greater required by enhanced buffering)	25'	25'	25'	25'	25'
Multi -Family and attached Home setbacks from internal private roadways and parking (face of curb)	15'	N/A	20'	N/A	15'

(garages can be 0' setback)					
Single- family setbacks from internal private roadways and parking (from face of curb) (not driveway parking)	20'	N/A	20'	N/A	20'
Minimum Parking separation from interior lot lines	0'	0'	N/A	0'	0'
Minimum Building Separation - Residential	10'	10'	10'	10'	10'
Minimum Building Separation - Commercial	15'	15'	15'	15'	15'
Minimum Lot Width (at Front Setback) Single Family Homes	50'	50'	50'	50'	50'
Minimum Front Yard Setback(interior public streets) Single Family Homes	25'	N/A	25'	N/A	25'
Minimum Side Yard Setback (per side) - Residential, may allow 2 feet of encroachments for eaves, mansard roofs, bay windows for Single Family Homes	5'	5'	5'	5'	5'
Minimum Side Yard Setback -Commercial	15'	15'	15'	15'	15'

Minimum Rear Yard Setback, Residential (or Perimeter setback if greater)	5'	5'	5'	5'	5'
Minimum Rear Yard Setback, Commercial (or Perimeter setback if greater)	15'	15'	15'	15'	15'

Section 18D.09 — DEFINITIONS

The following definitions shall apply to terms that are used specifically in this POD. Otherwise, the definitions in Article 4 shall apply.

Attached Home: multiple unit dwelling of two (2) or greater units per building, up to eight (8) units per building. Owned individually per owner through a Condominium or Homes Association . Minimum unit size shall be 1,100 square feet per unit.

Density: the ratio of units per acre, calculated on a total gross acre basis.

Impervious Surfaces: areas that have been, or are proposed to be, paved and/or covered with buildings and materials that do not readily and freely absorb and/or allow water to penetrate, including, but not limited to, concrete, asphalt, rooftop, blacktop, brick, blocks, and pavers.

Landscape Up light Fixture: a light fixture sitting on the ground that is incorporated into landscaping that shines upward and is typically utilized to illuminate certain architectural or landscaped features.

Multi-Family Dwelling: for the purposes of this POD only, Multi-family Dwelling is defined as a residential building arranged or designed for two (2) or more dwelling units, with a maximum of 16 units per building, as separate and complete housekeeping units, and is offered for rent or lease. Minimum square feet per unit shall be 900 square feet.

Non-Residential use: any use of land that is permitted by the Liberty Township Zoning Resolution and does not include the human inhabitation of a structure or any use incidental or accessory to such inhabitation.

On-Street Parking: striped, angled, or parallel parking spaces that are permitted within the right-of-way or along a private street.

Parking Aisle: the traveled path through an off-street parking lot or facility between one or two rows of parked vehicles.

Parking Bay: a row of parking spaces typically separated by a parking island or some other feature used to break up large expanses of asphalt used for surface parking.

Patio Home: a stand-alone, single dwelling unit. Minimum square footage for patio homes shall be 1,100 square feet per unit.

Private Road: a road or driveway on privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help from a government agency.

Public Road: any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

Residential Use: any permitted use of land where a dwelling has been constructed with the intent of human inhabitation of that structure. Structures may be detached single family homes, patio homes, attached home dwelling(s), or Multi-Family Dwelling. Residential Uses also include all uses that are incidental to or accessory to the human inhabitation of a structure.

Road or Roadway: each road is defined by its classification as those classifications are delineated in the Liberty Township Zoning Resolution.

Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward.

Single-Family Homes: Single-family detached residential or Patio Homes (Single-Family including homeowner or condominium associations) Minimum square footage for single family and patio homes shall be 1,100 square feet per unit.