

exceed twenty-five percent (25%) of the minimum number of spaces required.

No on-street parking will be provided on the proposed development

- (8) Loading Areas. All loading areas shall be screened from view by landscape planting (which provides seventy-five percent (75%) opacity), or walls and fences at least six (6), but not more than twelve (12), feet in height. All walls and fences used for screening shall be constructed of materials permitted by **Section 17.08(F)(2)** hereof.

No loading areas are provided or required for the proposed development

- (9) Big Box Retail Parking. Notwithstanding the foregoing provisions of this **Section 17.08(J)** hereof, in connection with so-called “big box” or grocery anchored developments having a principal user proposing to occupy or in fact occupying 50,000 square feet or more of building area, the following standards shall apply:

- (a) A minimum of four (4) parking spaces per 1,000 square feet of gross floor area shall be provided.
- (b) A minimum of (5) percent of the total paved area shall be comprised of interior landscape peninsulas or islands. A minimum of (1) one tree a minimum of two inches (2”) in caliper per (5,000) square feet of paved area shall be provided.
- (c) Main entrance drives providing access from a public right-of-way shall be defined with landscaping and an accessible pedestrian walkway connecting from the public right-of-way to a main entrance of the primary building.
- (d) All parking bays shall be terminated with an “end cap” landscape island to define the primary circulation drive aisles, meeting the minimum dimensional requirements as defined in **Section 17.08(J)(3)** hereof.
- (e) Parking bays located along the perimeter of a parking lot shall provide at least one (1) landscape “peninsula” every (15) spaces. Landscape peninsulas shall have a minimum area of one hundred thirty (130) square feet with a minimum width of eight (8) feet.
- (f) Interior parking bays shall include at least one of the following approaches to providing interior parking lot islands:
 - (1) At least one (1) landscape island every (15) spaces, meeting the minimum dimensional requirements as defined in **Section 17.08(J)(3)** hereof, or
 - (2) At least one (1) landscape island every (20) spaces, oriented in an alternating pattern in one out of every (3) co-parallel parking bays, with such islands having a minimum width of (16) feet and minimum area of (600) square feet. Such islands shall contain at least two (2) shade trees a minimum of two inches (2”) in caliper and include other plant materials covering at least (50) percent of the island area.
- (g) The parking lot perimeter shall be landscaped with a buffer with a minimum width of (10) feet, planted with a minimum of (1) shade tree per (40) linear feet a minimum of two inches (2”) in caliper, plus a minimum 3-foot average height continuous hedge, planting, earthen mound, fence, or wall. A continuous hedge shall achieve a minimum 75% opacity after two years from date of installation.

Not applicable to proposed development

- (K) Open Space. A minimum of thirty percent (30%) of the total 36/37 PMUD acreage shall remain and be utilized as Open Space. Twenty percent (20%) open space must be located on-site while the remaining 10% may be located either on-site, off-site within the Township at a location or locations approved by the Zoning Commission, or mitigated with a contribution in lieu to be utilized for public improvement. Such contribution will be at the rate of \$30,000.00 per acre or fraction thereof. Such contributions will be placed in a special fund

by the Township and used only for the improvement or acquisition of park areas, recreational facilities, playgrounds, trails, or wetlands.

Open Space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open Space features may include, but are not limited to bike paths, walking paths, existing bodies of water, water impoundments, forested areas and landscaped areas, in each case that are not included in yard requirements contained in **Section 17.08(D)(2), (3) and (4)** hereof, and similar features. Open Space may be used for the disposal of storm water drainage. No features shall be designed which are likely to cause erosion or flooding.

To help promote the creation of a unified open space system, an open space master Development Plan may be submitted that may only include the areas within the 36/37 PMUD that will be utilized in the open space system. Once an open space master Development Plan is approved, future applicants within the 36/37 PMUD may be permitted to utilize that Open Space to meet up to half of the Open Space requirement for their proposed Development Plan. If a portion of the area included in the open space master Development Plan is utilized by an approved Development Plan to meet an open space set aside requirement, it can no longer be utilized by future applicants for that purpose.

The responsibility for the maintenance of all Open Space shall be specified by the applicant in writing within the 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.

Open space has been provided at a rate exceeding 30%, not including required yard setback areas, see Exhibit D-9 for the Open Space Plan. The open space shall be the responsibility of the property owner to maintain

- (L) Multi-Use Paths and Pedestrian/Bike Access. Interconnectivity, in the form of multi-use paths, shall be provided for pedestrians and non-motorized uses (including bicycles) and each Application for approval of a Development Plan shall indicate how it will contribute to interconnectivity for the 36/37 PMUD. 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.

A multi-use path is proposed along Wilson Road, interior sidewalks are proposed for the site and connect to the multi-use path along Wilson Road. There is also a multi-use path interior to the site that connects open spaces. See Exhibit C-1 for more information

- (M) Trash and Garbage Control. All trash and garbage shall be stored in container systems 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.

A compactor is proposed for the site, see Exhibit C-1 & F-1 for the location and the elevation of the compactor

- (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.

Proposed development will comply

- (O) Stormwater Basins. All stormwater basins shall be constructed per the requirements of the Ohio Department of Natural Resources Rainwater and Land Development Handbook and any applicable standards adopted by the Delaware County Engineer. Wet stormwater basins shall require aeration devices. Bioretention basins, or rain gardens, may be used only when approved by the Zoning Commission as part of the Development Plan. Dry detention basins are permitted on private property only with a maintenance plan and divergence approved by the Zoning Commission. In addition to the minimum design standards required by the Delaware County Engineer, dry detention basins shall meet the following layout requirements:

- (1) Dry detention basins shall be designed to drain toward the outlet or micro pool so as to minimize

standing water or excessively saturated soil conditions that interfere with regular maintenance and mowing. Basins shall be designed to drain within 48 hours and maintained in a condition to maximize vector control at all times.

- (2) Side slopes shall not exceed 5 (H) to 1 (V) to prevent bank erosion, minimize safety hazards during peak stormwater events, and maintain an aesthetic landscape appearance. Maximum cross slope for vehicular accessways shall not exceed 10 (H) to 1 (V).
- (3) The bottom of the detention basin shall be a minimum of twelve (12) feet in width to allow for maintenance vehicle access. The minimum transverse slope for the basin bottom shall be 2.0 percent, and the bottom shall be sloped to drain in such a manner so as to avoid the development of flat spots and inadequate soil conditions.
- (4) Dry detention basins shall be designed in manner that coordinates with the overall site layout and landscape design.
- (5) Dry detention basins shall be finished with topsoil and seeded and mulched to prevent soil erosion. Grasses seeded within the basin shall be of a mix selected to survive forty-eight (48) hours under water. Mowing and/or trimming of vegetation shall be performed as necessary to sustain stormwater management functionality and landscape aesthetics. Mixed native planting schemes may be installed with an accepted landscape plan and maintenance schedule, as approved by the Zoning Commission.
- (6) Deciduous and/or evergreen trees shall be planted around the perimeter of the basin, provided that the plantings can be adequately located so as not to interfere with the integrity or functionality of the facility. A minimum of one (1) tree per forty (40) linear feet of basin perimeter shall be provided; however, trees may be grouped together in naturalized arrangements or to provide screening, per an approved landscape plan.
- (7) Soil compaction of the basin bottom shall be avoided during construction, or soils shall be amended and restored to functional condition as required by the Delaware County Engineer.
- (8) Maintenance inspections shall be the responsibility of the property owner and shall occur on a regular basis to remove excessive debris and sediment accumulation, as determined in an approved maintenance plan.
A wet basin will be provided on site and will comply with all required standards listed above, see Exhibit E-1 for the basin location and Grading & Drainage Plan
- (P) Supplemental Conditions and Safeguards. The Zoning Commission may impose additional conditions relating to the Development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of Open Space areas; and other development characteristics.
- (Q.) Other Requirements. Unless specifically supplemented by the standards contained in **Article 17** herein or those standards approved by divergence, the General Development Standards (as defined in **Section 17.06(C)(29)**) found in this Zoning Resolution shall apply unless a divergence has been specifically requested and approved. In the event of a conflict between the General Development Standards and those contained in **Article 17** that cannot be reconciled by the Zoning Commission, those contained in **Article 17** shall prevail.

Section 17.09 – Definitions

The following definitions shall apply to terms that are used specifically in the 36/37 PMUD. Otherwise, the definitions in **Article 4** shall apply.

Floor Area:

- a. **Residential** – the square foot area of a building at all finished levels, within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, and

unfinished basements and attics.

- b. **Non-Residential** – the square foot area of a building at all levels, whether finished or not, including open porches, breezeways, terraces, garages, exterior stairways, secondary stairways, unfinished basements, attics, and mezzanines.

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.

In-line Retail: a retail complex consisting of stores or restaurants in adjacent spaces in one continuous, long building or structure typically having a parking area in front of the stores that opens to a public street.

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 **Article 17** only, Multi-Family Dwelling is defined as a residential building arranged or designed with multiple Dwelling Units for lease as separate and complete housekeeping units. Multi-Family Dwelling shall not include Patio Home Developments or Residential Care Developments.

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

Nursing and Residential Care Facilities: for purposes of **Article 17** only, Nursing and Residential Care Facilities is defined as a facility designed for, marketed to and primarily serving persons 55 years and older and including one or more components of a Nursing and Residential Care Facility pursuant to NAICS Code #623, but expressly limited to facilities consisting solely of independent living, assisted living, memory care and/or skilled nursing care or any combination thereof, but not independent living only facilities.

Outlot: a lot located adjacent to a public or private street in a larger, commercial style development that is reserved for a specific use.

On-Street Parking: striped, angled, or parallel parking spaces that are permitted within a public road 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 Development: for purposes of **Article 17** only, a Patio Home Development is defined as a development consisting solely of for sale attached and/or detached patio homes designed with small yards and general overall community maintenance, controlled by either a condominium association or a homeowner's association.

Perennial Stream Channel: a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.

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 Dwelling, Two Family Dwelling, 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 **Section 21.09** of this Zoning Resolution.

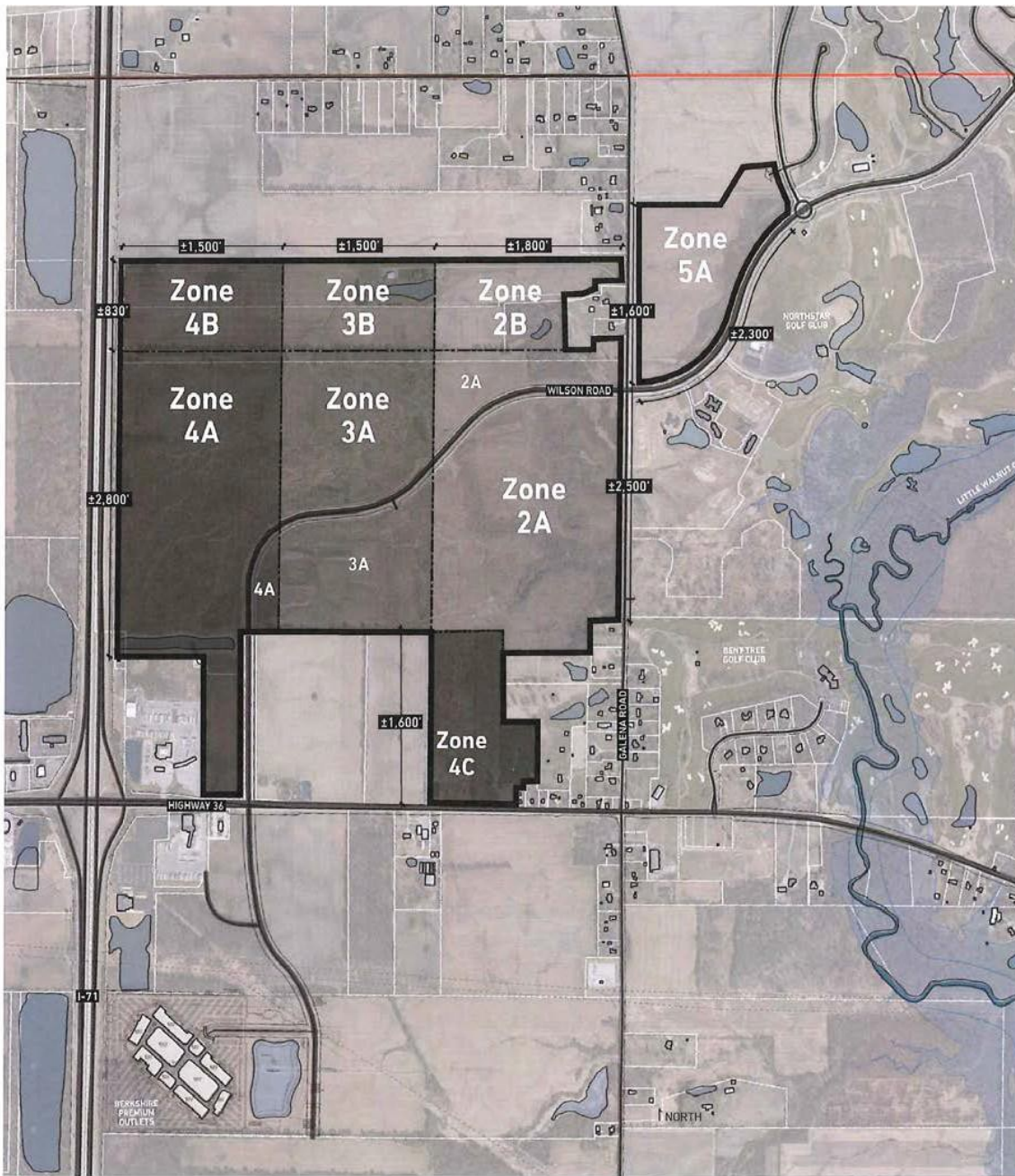
Story or Stories: each habitable living level elevation in a Multi-Family Dwelling, not to exceed fifteen (15) feet per Story.

Tributary: any stream or waterway that flows to a larger stream or other body of water.

Zone: each of the Zones depicted on the attached Zoning District Map, being Zone 2A and Zone 2B, Zone 3A and Zone 3B, Zone 4A, Zone 4B and Zone 4C, and Zone 5A.

Zoning District Map: the Zoning District Map attached hereto as Attachment 1.

Attachment 1
36/37 PMUD Overlay
Zoning District Map



TAB 1 – “A-1” Surrounding Property Owners

APPLICANT/DEVELOPER:

DAVID RUMA
485 METRO PLACE SOUTH
SUITE 350
DUBLIN OH 43017

OWNER:

NORTHSTAR RESIDENTIAL
DEVELOPMENT LLC
375 N FRONT ST
COLUMBUS OH 43215

SURROUNDING PROPERTY
OWNERS:

NORTHSTAR RESIDENTIAL
DEVELOPMENT LLC
375 N FRONT ST
COLUMBUS OH 43215

TAB 2 – “B-1 & B-2” Legal Description and Boundary Survey

Zoning Description
20.69+/- Acres
North side of Wilson Road
West of North Galena Road
-1-

Situated in the State of Ohio, County of Delaware, Township of Berkshire, Farm Lots 2 and 3, Quarter Township 2, Township 4, Range 17, United States Military District and being 20.69+/- acres of land, said 20.69+/- acres being part of that tract of land described as TRACT I, part of that 12.152 acre tract of land described as PARCEL I, part of that 39.591 acre tract of land described as PARCEL 3, all as described in the deed to Northstar Residential Development, LLC of record in Official Record 1571, P. 2359, said 20.69+/- acres also being part of Lot 644 as numbered and delineated upon the record plat for Northstar Section 1, Phase A of record in Plat Cabinet 4, Slides 3-3H, said 20.69+/- acres of land more particularly described as follows:

Beginning, for Reference, at the northwesterly corner of said PARCEL 1, said corner also being the northwesterly corner of said Lot 644 and in the southerly line of said PARCEL 3;

Thence **S 86° 42' 56" E**, along the common line of said PARCEL I, said PARCEL 3 and said Lot 644, **2244.17+/- feet** to the **True Point of Beginning**;

Thence across said PARCEL 3, the following two (2) courses and distances:

N 03° 29' 23" E, 78.32+/- feet to a point;

S 86° 50' 38" E, 804.30+/- feet to a point;

Thence across said PARCEL 3, PARCEL 1, TRACT I and said Lot 644, the following two (2) courses and distances:

S 03° 25' 55" W, 613.92+/- feet to a point;

S 43° 05' 15" E, 333.30+/- feet to a point in the southerly line of said TRACT I and said Lot 644, also being the northerly right-of-way line of Wilson Road (50') as dedicated upon said Northstar Section 1, Phase A plat;

Thence along the common line of said TRACT I, said Lot 644 and said northerly right-of-way line, the following two (2) courses and distances:

S 46° 54' 45" W, 479.69+/- feet to a point of curvature;

with a curve to the right having a central angle of **15° 02' 33"** and a radius of **1000.00+/- feet**, an arc length of **262.54+/- feet** and a chord bearing and distance of **S 54° 25' 50" W, 261.79+/- feet** to a point of curvature;

Thence across said TRACT I, PARCEL I and said Lot 644, the following four (4) courses and distances:

with a curve to the right having a central angle of **94° 30' 55"** and a radius of **50.00 feet**, an arc length of **82.48+/- feet** and a chord bearing and distance of **N 69° 54' 23" W, 73.44+/- feet** to a point of tangency;

N 22° 38' 56" W, 765.48+/- feet to a point of curvature;

with a curve to the right having a central angle of **27° 12' 15"** and a radius of **961.63 feet**, an arc length of **456.58+/- feet** and a chord bearing and distance of **N 10° 06' 44" W, 452.30+/- feet** to a point of tangency;

N 03° 29' 23" E, 125.58+/- feet to the **True Point of Beginning**, and containing **20.69+/- acres**, more or less.

Subject, however, to all legal highways, easements, and restrictions. The above description was prepared by Advanced Civil Design, Inc. on June 8, 2021 and is based on existing records from the Delaware County Auditor's and Recorder's Office and a field survey completed by Advanced Civil Design in December, 2020. A drawing of the above description is attached hereto and made a part thereof.

This description is to be used for zoning purposes only and not to be used in the transfer of land.

All references used in this description can be found at the Recorder's Office, Delaware County, Ohio.

ADVANCED CIVIL DESIGN, INC.