

Bath Township Ghent Interchange Mixed-Use Overlay (GI-O designation)

Sec. 604 GI-O Ghent Interchange Mixed Use Overlay

Sec. 604-A Purpose

The purpose of the Ghent Interchange Mixed Use Overlay (GI-O) is to ensure the highest and best use of the area while protecting area residents from denser residential and sprawling commercial development. The overlay will provide flexibility in the future development of this area while granting the township additional design regulations to ensure that future development meets the goals and objectives of the Comprehensive Plan.

Sec. 604-B Overlay Limits and Election of Regulations

The limits of the Ghent Interchange Mixed Use Overlay are illustrated in Figure 604-A below.



Figure 604-A – Ghent Interchange Mixed Use Overlay Limits

A developer must elect to follow either the existing base zoning regulations or the GI-O District regulations for any development within the GI-O District. A developer shall not use portions of both the existing base zoning and the GI-O District regulations for developments within the GI-O District.

Sec. 604-C Subarea Limits and Allowable Uses

The limits of each subarea are illustrated within Figure 604-A: Ghent Interchange Mixed Use Overlay Map.

The GI-O District will be subdivided into two subareas:

Subarea 1 – Mixed Use Area: This subarea will allow for a mix of commercial retail, office, and/or residential uses adjacent to the I-77/Ghent Road Interchange. The limits of this subarea will begin at the intersection of the northern I-77 and eastern Ghent Road right-of-way lines and run radially 500 feet north and east as illustrated in Figure 604-A.

Subarea 2 – Residential Area: ~~This subarea will allow residential uses only with an overall development density that shall not exceed 3 units per acre. This subarea will allow residential uses only with a minimum density of 2 units per acre to a maximum of 6 units per acre.~~ Residential uses could include detached single family homes. The limits of this subarea begin at the northern edge of Subarea 1 and continue northward to the northern edge of the GI-O District as illustrated in Figure 604-A.

~~Subarea 2 with ROW: 29 acres~~

~~Subarea 2 w/o ROW: 25.1 acres~~

~~UH Property with ROW: 15.8 acres~~

~~UH Property Subarea 2: 10.7 acres~~

~~UH Property Subarea 2: 5.1 acres~~

(A) A proposed development within subarea 1 of the GI-O District shall consist of the entire subarea. In satisfying this requirement, the development area may be bisected by a public dedicated or private street as long as all parcels within the development area are controlled through a Use Agreement or similar easement or agreement with the property Owner, owned by a person or a group of owners acting jointly in accordance with the requirements of this chapter.

(B) A proposed development within subarea 2 of the GI-O District shall be not less than 10 acres of contiguous land. In satisfying this requirement, the development area may be bisected by a public dedicated or private street as long as all parcels within the development area are controlled through a Use Agreement or similar easement or agreement with the property Owner, owned by a person or a group of owners acting jointly in accordance with the requirements of this chapter.

business)			
Medical and dental offices	P		
Mixed use buildings	PS		Sec. 503-T
Personal service establishments	P		
Restaurants and taverns	PS		Sec. 503-X
Retail commercial uses	P		
Service commercial uses	P		
Veterinarian offices (no boarding)	P		

(A) All individual attached residential units in Subarea 1 shall be fee-simple owned units for use by owner only. There shall be a maximum of four attached residential units in Subarea 1.

Sec. 604-D General Development Standards

All developments within the GI-O District shall adhere to the site development standards detailed within Table 604-2 below.

Subarea	Lot Area (units per acres)	Minimum Lot Width At Building Setback Line (Feet)	Minimum Lot Width At Street Right Of-Way (Feet)	Maximum Impervious Surface Coverage	Front Yard (Feet)	Side And Rear Yard (Feet)	Max. Building Height (Feet) [1]
Subarea 1				75%	25	25	35
Subarea 2	2 units per acre —6 units per acre Maximum of 3 units per Acre	60	50		30	25 (Rear), 10 (side) [2]	35

[1] The maximum building height is given in feet but in no case shall a residential building exceed 2.5 stories in height. Building heights are maximum heights except as provided in Sec. 504-A(5): Height Measurement and Exceptions.

[2] All properties that directly abut the northern boundary of the GI-O District shall have a minimum 50 foot rear or side setback depending on the side of the property that abuts the northern boundary.

(1) Minimum Floor Area Requirements

The following minimum floor area requirements shall apply to all residential uses in the GI-O District:

- (A) There shall be a minimum of 2,000 square feet of floor area for any dwelling unit without a basement.
- (B) For dwelling units that have a basement, the minimum floor area shall be 1,800 square feet.
- (C) For dwelling units that have multiple levels (excluding the basement), at least one level must have a minimum floor area of 1,000 square feet.
- (D) For Subarea 1 only attached dwelling units, the minimum floor area for each dwelling unit shall be 1,500 square feet.

(2) Open Space

Open space within residential subdivisions provide for and encourage flexible and creative development techniques aimed toward providing a healthy, safe, and natural environment. The development of open space is encouraged within the Bath Township Comprehensive Plan to conserve and protect the natural environment and rural character.

- (A) Minimum Required Open Space - All residential subdivisions within Subarea 2 shall include 35 percent of the total site acreage as required open space.
- (B) All required open space shall meet the standards of Article 11: Open Space Standards.
- (C) Any land area under existing public right-of-way (Interstate 77) shall not be included within the required minimum open space calculation.

(3) Home Owners Association (HOA)

- (A) Before the construction of the first phase of any individual residential subdivision within Subarea 2, a homeowners association (HOA) shall be formed to maintain common areas, roadways, sidewalks, and all stormwater infrastructure within the development that has not been conveyed or dedicated to Bath Township or Summit County.
- (B) The HOA may provide a common area for residents of the development to gather. Improved common areas (excluding trails) shall not be included within the required minimum open space calculation.

(4) Ownership

- (A) All individual lots in the residential subdivisions shall be fee-simple owned lots for use by owner only.

(5) Development Size

- (C) A proposed development in the GI-O District shall be not less than 12 acres of contiguous land. In satisfying this requirement, the development area may be bisected by a public dedicated or private street as long as all parcels within the development area are controlled through a Use Agreement or similar easement or agreement with the property Owner, owned by a person or a group of owners acting jointly in accordance with the requirements of this chapter.

(6) Private Street Construction and Utility Construction

- (A) Any roadway built within the GI-O District shall be privately owned and maintained. All private roadways shall be constructed to meet the pavement requirements for public streets as established by Summit County Subdivision Regulations. The BZA, Bath Township Fire Department, or Bath Township Police Department may apply additional standards or establish specific conditions to the street construction for the purposes of safety and access.
- (B) All utilities shall be underground within the GI-O District.

(7) Parking Requirements

Off Street parking requirements within the GI-O District shall conform to the requirements specified within Article 12 of the Bath Township Zoning Code and the following additional requirements.

- (A) All off-street parking should be oriented to the side and rear of the property within Subarea 1 to the maximum extent feasible. Parking can be oriented in the front of the building as long as the parking stalls are adjacent to the building. Parking stalls not adjacent to the front of the building are prohibited. All off street parking within Subarea 1 is subject to the design standards detailed in Section 604-E.
- (B) Shared parking is encouraged and permitted within Subarea 1 if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
 - i) Shared or off-site parking shall not account for more than 60 percent of the required parking spaces in Subarea 1 as established in Sec. 1204-B: Maximum Number of Spaces.

(8) Buffering

Buffering in the GI-O District shall meet all of the standards described in Section 1006. All buffering shall be owned and maintained by the HOA or private property owner within Subarea 1.

- (A) In addition, buffering along the northern edge of any development within the GI-O District shall meet the following minimum standards. The northern edge is defined as the northernmost continuous boundary of a development.
 - i) Minimum buffer width shall be 50 feet. No variances will be granted to reduce the width of this buffer.
- (B) Streetscape buffering in Subarea 2 along Ghent Road shall meet the following requirements.
 - i) The streetscape-buffer shall be provided along the full width of the lot and shall be unoccupied, except for landscape treatments such as trees, plantings, earth mounds, terraces, shrubs, permitted signs, and driveways (generally perpendicular to the right-of-way line).
 - ii) Minimum buffer width shall be 15 feet wide along Ghent Road, measured from the right-of-way to the property.
 - iii) The required streetscape buffer shall consist of maintained living vegetative material such as evergreen trees, shrubs, or earth mounding that results in 100 percent opacity, all year, to a height of six feet or more within one year of planting.
- (C) Buffering between Subarea 1 and Subarea 2 shall meet the following standards.
 - i) The buffer area shall be located along the full length of a side or rear yard, between the proposed use and the adjacent residentially zoned property.
 - ii) The buffer areas shall be placed on the property being developed or constructed, regardless of ownership.
 - iii) The minimum width of the buffer area shall be ten feet running the full length of the applicable side or rear yards. For buffering along the side yard, the buffer shall begin, at a minimum, at the front yard building setback line.
 - iv) No structure shall be permitted within a required buffer area other than a wall, fence, mound, or earth berm. Driveways may cross perpendicularly across a buffer area, disturbing the least amount of buffer.
 - v) The required buffer area shall consist of maintained living vegetative material such as evergreen trees, shrubs, earth mounding or fencing made of wood that results in 100 percent opacity, all year, to a height of six feet or more within one year of planting. Fences shall not exceed a maximum height of six feet.

(9) Exterior Lighting

Exterior lighting standards shall comply with the following:

(A) Shielding

- i) All exterior lighting must be fully shielded to a minimum of 10 degrees below the horizon of the fixture and located in such a manner as to not light trespass onto the public road, streets, or adjacent/nearby properties.

- ii) All outdoor light fixtures shall be shielded to comply with the light trespass requirements except as follows:
 - 1. Holiday lighting from September 15 to January 31
 - 2. Lighting that illuminates a United States or Ohio flag and the flagpole to which the flag is affixed, provided these luminaires shall be shielded as necessary so that the light source is not visible from the property line.

(B) Light Trespass

- i) All commercial lights, fixtures, luminaires, or other light emitting devices shall be located, aimed, and shielded to eliminate light trespass across property boundaries. In every instance, installations shall utilize additional opaque shielding as needed, to eliminate light trespass onto adjacent residential or commercial properties, except for fixtures exempted from this chapter or from shielding requirements.
- ii) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
 - 1. The maximum illumination at a lot line that abuts residential parcel in Subarea 2 shall be 0.3 foot-candles.
 - 2. The maximum illumination at a lot line that abuts a mixed use parcel in Subarea 1 shall be 1.0 foot-candles.
- iii) Light temperature for all lighting within the GI-O District shall not exceed 3,000 Kelvin.

(C) Location of Outdoor Lighting

- i) Security Lighting consists of lighting designed to detect motion, heat, light, or sound, or to work as a part of an alarm system; and to illuminate areas that have a higher security risk. Security lighting shall not exceed an average illumination of between two and 2.5 foot-candles.
- ii) Except as required for security lighting purposes, the following limitations are imposed on the location of outdoor lighting:
 - 1. Lighting around the perimeter of a site is prohibited, except where it is controlled by motion sensor which extinguishes the light no later than ten (10) minutes after activation.
 - 2. For residential sites, outdoor lighting shall only be used in the backyard within fifty (50) feet of residentially habitable buildings or along driveways and walkways.
- iii) The maximum height of a cut-off light fixture in Subarea 1 shall be 14 feet as measured from the finished grade around the light fixture. Cut-off light fixtures shall be similar in style to Figure 604-B.



Figure 604-B – Cut-off light fixture example

- iv) Uplighting in Subarea 1 is prohibited.
- v) Street lights are prohibited in Subarea 2.

(D) Light Curfew

- i) Residential Uses: All decorative lighting subject to this chapter shall be extinguished no later than midnight, except lighting at building entrances, walkways, parking areas, and driveways, and lighting activated by motion sensor which extinguishes ten (10) minutes after activation.
- ii) Commercial Uses: All lighting, including all illuminated advertising signage, shall be extinguished no later than 10:00 p.m. or close of business, whichever is later, except lighting at the building entrances and driveway egress points, and lighting activated by motion sensor which extinguishes ten (10) minutes after activation. For 24-hour businesses lighting may be reduced by 50% from 10:00 p.m. until sunrise.
 - 1. Lighting levels may be reduced either by turning off 50% of the fixtures or by reducing the lighting level by 50% of all fixtures, or an appropriate combination of techniques.
- iii) Parking lots: All parking lot illumination in Subarea 1 shall be reduced by 50% of full lighting levels at 10:00 p.m. or within one hour after the use for which the parking is used closes, whichever is later. 24-hour businesses may reduce lighting by 50% between 10:00 p.m. and sunrise. All parking lot illumination is subject to the following:
 - 1. Lighting levels may be reduced either by turning off 50% of the fixtures or by reducing the lighting level by 50% of all fixtures, or an appropriate combination of techniques.

(10) Trash Storage Containers

- (A) Trash storage containers shall be enclosed with a six-foot high wall on three sides with a closable door. The enclosure shall be similar to the main structure as to materials and color. Trash enclosures shall be screened with landscaping, located not less than six feet from any frame building and provided a concrete pad and apron adequate to support collection vehicles.
- (B) Trash collection shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

(11) Noise

- (A) Noise regulations within the GI-O District shall adhere to Summit County Codified Ordinance 509.08 NOISE NUISANCE.
- (B) In Subarea 1, all HVAC units shall face Interstate 77 to limit noise nuisance to nearby residential developments.

Sec. 604- Architectural Standards for Mixed Use and Commercial Buildings

The following Architectural Standards shall apply to all non-residential buildings, additions and expansions thereof within the GI-O District.

(1) General Requirements for all Nonresidential Buildings

- (A) Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.
- (B) The primary entrances of buildings shall be oriented:
 - i) Towards a street along the perimeter of the development; or
 - ii) Towards streets in the interior of the development if none of the building's facades has frontage on a public street.

(2) Building Facades

- (A) Blank building walls facing streets are prohibited.
- (B) Although the front façade of a building is expected to be the focal point in terms of the level of Architectural character and features, all sides of buildings that are



visible from a public roadway, an adjacent building, or other private way shall incorporate Architectural detailing on all facades that is consistent with the front façade.

(3) Building Design and Mass

(A) All elevations of principal buildings shall consist of a base, a body, and a cap.



- i) The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
- ii) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture. A cap and base shall incorporate at least two of these design elements.

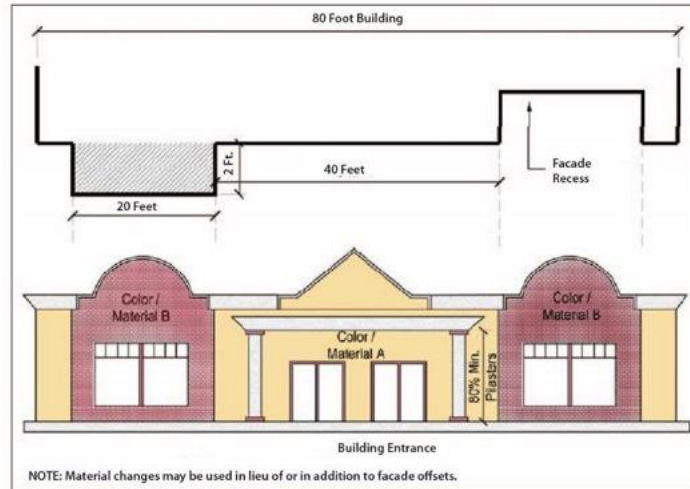
(B) Elevations for all new or modified buildings shall include design, massing, materials, shape, and scale that create a unified design on the premises that is visually compatible with the surrounding buildings.

(4) Ornamentation

(A) All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls.



- (B) Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.



- (C) Offset Alternatives The following alternatives can be used in place of the required front façade offsets as shown above:

- i) Façade color changes following the same dimensional standards as the offset requirements;
- ii) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
- iii) Roofline changes when coupled with correspondingly aligned façade material changes.

(5) Roofs

(A) Roof Styles

- i) The height of any pitched roof shall not exceed one-half of the overall building height.

(B) Roof Line Changes

- i) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- ii) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.



(C) Flat Roofs

- i) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them.
- ii) The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- iii) Thin parapets that are less than four feet in depth shall not extend more than two feet above the roof unless necessary to conceal mechanical equipment.

(D) Asymmetric or Dynamic Roofs

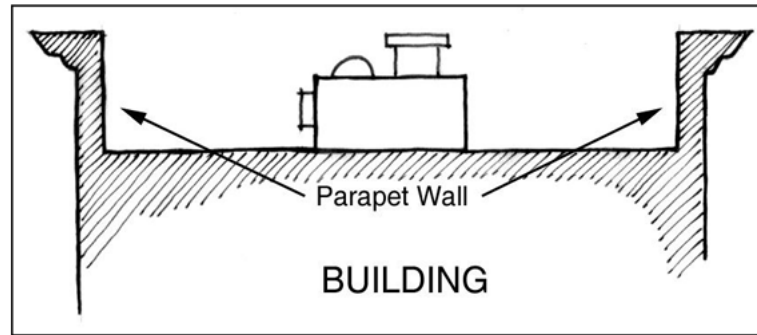
- i) Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs. See figure below, for an example of a building with a dynamic roof form.



(E) Roof Mounted Mechanical Equipment

- i) Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and public rights-of-way. Such equipment shall also be screened from view

from any properties that may see the building from above (e.g., if adjacent properties are along higher elevations).



(6) Customer Entrances

(A) For all non-residential buildings customer entrances shall be provided in accordance with this subsection.

(B) Required Entrances

- i) Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

(C) Entrance Design

1. Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.
 - ii) Canopies/porticos above the entrance;
 - iii) Roof overhangs above the entrance;
 - iv) Entry recesses/projections;
 - v) Arches that are physically integrated with the entrance;
 - vi) Raised corniced parapets above the entrance;
 - vii) Gabled roof forms or arches above the entrance;
 - viii) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
 - ix) Display windows that are directly adjacent to the entrance;
 - x) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
 - xi) Integral planters or wing walls that incorporate landscaped areas or seating areas side of a building facing a public street shall include at least one customer entrance.

(7) Exterior Building Materials and Colors

(A) Exterior Building Materials

- i) Buildings and other structures shall use the following exterior materials for a minimum of sixty percent (60%) of each building facade: Brick, stone,

cultured stone, natural or simulated wood, and shake. The remaining forty percent (40%) of each building facade may utilize the following materials: traditionally applied stucco, metal and cement siding products.

1. For the purpose of determining the sixty percent (60%) exterior material requirements, all glass located on any building wall facade shall be removed from the calculation to determine the sixty percent (60%) required primary materials. For example, if a building wall face features glass equal to 1,000 square feet out of a total wall face area of 10,000 square feet, sixty percent (60%) of the remaining 9,000 square feet of wall area shall utilize those permitted primary exterior materials.
2. Applicant must show the specific percentages of each exterior material proposed on the submitted plans.
 - ii) Natural wood clapboard, wood shingles, and wood board and batten may be used as a building trim detail.
 - iii) The following exterior building materials are prohibited: vinyl or aluminum siding, plywood, and corrugated metal panels.
 - iv) Brick used in building additions must be similar in color, size and texture of brick and mortar joint detail to the surrounding structures. Brick on any existing or proposed building shall not be painted unless the building has been previously painted prior to the effective date of this design standard.
 - v) Slate, copper, wood or standing seam metal roofs are preferred; however, asphalt or fiberglass shingles may be used as well. Flat or shallow pitched roofs are permitted only when ornamented with shaped parapets or cornice treatments.
 - vi) Exterior building materials having natural durable, low maintenance surfaces such as natural and cultured stone, brick, tile, pre-cast concrete, curtainwall, glass and metal should be used. Materials with non-integral finishes are discouraged.

(B) Exterior Building Colors

- i) Exterior building colors should be used as a unifying theme compatible with the Architectural style, natural site setting and surrounding buildings.
- ii) Exterior brick products used in new building construction shall be in the red and brown color ranges.
- iii) All exterior building colors proposed outside of the color ranges specified above shall be reviewed and approved by the Appearance Review Commission.

Sec. 604-F Architectural Standards for Residential Buildings

The following Architectural Standards shall apply to all residential buildings, additions and expansions thereof within the GI-O District.

(1) Details

- (A) The use of architecture detailing is strongly encouraged to provide scale and interest to the building. Examples of detailing include stone foundations, masonry window trim and surrounds, frieze boards, decorative cornices, quoins, shutters, columns, balusters, and other similar items.

(2) Building Materials

- (A) Traditional or natural materials shall include, brick, stone or engineered stone, wood or engineered wood, or metal. The balance of the buildings front and side elevations (end units) shall include materials consistent with those with a minimum of 40% traditional or natural materials. Stucco and EIFS shall be used in moderation.
 - i) Brick shall be in a traditional masonry pattern, in standard sizes. Brick may have the appearance of painted or “washed” if in context with the architectural theme being portrayed.
 - ii) Stone shall be of natural or simulated materials with a smooth or natural finish. Spilt face stone is acceptable in limited situations. Stone should be laid in a random ashlar pattern.
 - iii) Siding should be of traditional profiles such as 4”-8” horizontal and/or vertical beveled. Siding shall be wood or simulated;
 - 1. Vinyl should be a minimum 46mm thickness.
 - iv) Glass openings shall be a minimum of 15% of the entire wall.
 - 1. The exception is in the case for side wall facing adjacent patios.
 - v) There shall be no empty, blank, un-articulated building walls, including the side elevations.
 - vi) No concrete block or concrete poured basement walls shall be exposed above grade. Simulated aggregate base walls are acceptable.

(3) Roof

- (A) Materials:
 - i) Natural or simulated slate or tile, wood shakes, dimensional shingles, standing seam metal, and copper are acceptable materials.
 - ii) Nature colors are acceptable.
 - iii) Any roof materials or colors not described above shall require the review and approval of the Appearance Review Commission.
- (B) Sloped roofs are required on all homes.
- (C) Pitched roofs shall have a minimum 8” roof overhang, and be appropriate for the style of the house.
- (D) Sloping roofs shall have a minimum pitch of 5/12.
- (E) The use of eaves, rakes, cornice lines, etc. are strongly encouraged to add visual interest.
- (F) Solar panels must be located in the side or rear of the home, and not visible from any street.

(4) Openings

- (A) All windows and doors are required to have a 4 inch minimum trim.
- (B) Wood, aluminum clad, and vinyl are acceptable.
- (C) Glass should be clear. Windows only on garage doors or into bathrooms may be clear, frosted, tinted, or stained glass.
- (D) Skylights are permitted only when appropriately screened from street views.
- (E) Cupolas, dormers, lanterns, belvederes or window bays are permitted, provided they are consistent with the architecture style.
- (F) Shutters shall be used judiciously.
 - i) Exterior shutters shall be painted or prefinished and may be a solid paneled or louvered.
- (G) Front doors shall be of a style appropriate of the architectural style of the house.

(5) Garages

- (A) Garages may be front, side, or rear facing. Side or rear facing garages are preferred.
 - i) For single-family houses that are not attached to any other building, front loading garages should have a minimum 2 foot setback behind the main body of the house. In the event of a three-car front loaded garage, the third bay of the garage must be additional 2 feet setback behind the main body of the garage.
 - ii) Side loaded garages may extend up to 11 feet beyond the main body of the house.
- (B) Garage doors may be natural or synthetic materials with natural appearance.
- (C) Front facing garages shall have architectural detailing aimed at reducing their visual mass and scale.
- (D) All garages shall be electric vehicle ready, with conduit constructed to accommodate future electric vehicle charging if desired.

(6) Fencing

- (A) Intent: While fencing are often necessary to buffer between properties, they can create a visually-monotonous presence. These standards provide that fencing is visually-appealing, complement the design of the building, and provide visual interest.
 - i) The maximum heights of a fence shall be 6 feet in backyards and 4 feet in front yards.
 - ii) Fences in the front yard shall have uniform openings aggregating at least 50 percent of their surface area when viewed from a perpendicular direction.
 - iii) Fences shall be decorative in nature and be constructed of either solid wood, stacked split rail, post and rail style, vinyl, metal or a composite materials. Chain linked fences are prohibited.
 - iv) Foundations for fences are prohibited.
 - v) Fences shall be decorative in nature on both sides of the fence.
 - vi) No two fences shall abut each other along a property line (meaning that if a fence exists along a property line a second fence cannot be erected along the same property line on the adjacent parcel).

(7) Residential driveways

- (A) In Subarea 2 driveway pavement widths shall not be more than 2 feet wider than the garage door opening.

(8) Dwelling Unit Styles

- (A) Residential dwelling units in the GI-O District shall have a variety of front elevation styles so that dwelling units adjacent or across the street from each other within a development are not stylistically similar.

(9) Accessory Structures

- (A) The following accessory structures are prohibited for residential dwellings within the GI-O District.

- i) Freestanding or pole mounted solar panels;
- ii) Sheds;
- iii) Inground or above ground pools; and
- iv) Wooden, composite, or vinyl decks.

- (B) Patios made of stone, brick pavers, stamped concrete, or concrete are permitted with the following requirements.

- i) The patio shall be constructed in the backyard, behind the residential dwelling unit and not be visible from the street.
- ii) The patio shall not exceed 800 square feet in surface area.

- (C) Detached open-air structures (e.g. pergolas) are permitted with the following requirements.

- i) The detached open-air structure shall be constructed in the backyard, behind the residential dwelling unit and not be visible from the street.
- ii) The structure shall be constructed within 15 feet of the residential dwelling unit.
- iii) The structure shall not have a dedicated HVAC system added to the structure and be temporarily or permanently enclosed in any way.

Sec. 6.04-G Ghent Interchange Mixed Use Overlay (GI-O) Review and Approval Procedure

Any development including site work, construction or use within the GI-O shall be reviewed and approved pursuant to this Sec. 6.04-G, before any zoning permit is issued.

(1) Ghent Interchange Mixed Use Overlay (GI-O) Initiation

(2) GI-Os may be initiated by the property owner or an agent of the property owner.

(3) All GI-O applications shall be subject to Section _____: Common Review Requirements.

a) PRELIMINARY DEVELOPMENT PLAN REVIEW PROCEDURE

Preliminary Development Plan Review

Step 1 – Pre-application Conference

- i) The applicant should meet with the Zoning Administrator and if required, contact the Summit County Department of Development, Planning and GIS Division to discuss the initial concepts of the proposed GI-O and general compliance with applicable provisions of this zoning resolution prior to the submission of the application. During this time, an applicant may also request a preliminary, informal meeting with the Bath Township Appearance Review Commission to discuss the initial concepts.
- ii) Discussions that occur during a pre-application conference or a preliminary meeting with staff or the Appearance Review Commission are not binding on Bath Township and do not constitute official assurances or representations by Bath Township or its officials regarding any aspects of the plan or application discussed.

b) Step 2 – GI-O Preliminary Development Plan Application

- i) The applicant may submit an application for a preliminary development plan review.
- ii) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Administrator and Appearance Review Commission to assure the fullest practicable presentation of the facts for the permanent record.
- iii) Each application shall be signed by all of the owners or the owners' authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- iv) All applications shall be submitted with the required fees as established in the Bath Township fee schedule.
- v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.

c) Step 3 – Public Hearing and Recommendation by the Bath Appearance Review Commission

- i) Upon the filing of a GI-O preliminary development plan (Step 2), the Bath Appearance Review Commission shall set a date for a public hearing regarding the preliminary development plan.
- ii) The public hearing shall not be less than 20 or more than 60 days after the date the application (Step 2) was submitted.
- iii) Notification shall be given in accordance with Section 519.12 of the ORC.
- iv) Within 60 days after the conclusion of Bath Appearance Review Commission's public hearing (Step 4), the Appearance Review Commission

shall recommend the approval, approval with modifications, or denial of the proposed Preliminary Development Plan, and submit such recommendation together with such application, preliminary development plan, and recommendation of the Bath Township Zoning Commission.

d) Step 4 – Public Hearing and Decision by the Bath Township Zoning Commission

- i) Upon receipt of the recommendation from the Appearance Review Commission (Step 3), the Zoning Commission shall set a time for a public hearing on such proposed preliminary development plan.
- ii) The date of the public hearing shall not be more than 60 days after the date of the receipt of such recommendation from the Zoning Commission.
- iii) Notification shall be given in accordance with Section 519.12 of the ORC.
- iv) Within 60 days after the conclusion of the public hearing, the Zoning Commission shall either adopt or deny the recommendations of the Appearance Review Commission or adopt some modification thereof. In the event the Zoning Commission overturns or modifies the recommendation of the Appearance Review Commission, a majority vote by at least 60% of the Zoning Commission shall be required.
- v) Approval of the preliminary development plan by the Zoning Commission shall include density, intensities, land uses and their inter-relationship, design standards, and building location. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed final development plans. The Zoning Commission must approve the proposed preliminary development plan if it is substantial compliance with this Section 6.04.

(4) Review Criteria for a Preliminary Development Plan

The following criteria shall serve as conditions for the review and recommendation or decision on the preliminary development plan:

- a) The GI-O and preliminary development plan are consistent with the intent and purpose of this zoning resolution and, in particular, the furtherance of the purpose of the GI-O as set forth in Section 6.04: Ghent Interchange Mixed Use Overlay District.
- b) The preliminary development plan are consistent with the most current Bath Township Comprehensive Land Use Plan.
- c) The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Bath Township or Summit County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and in the traffic impact analysis, if required, that are attributable to the proposed development.
- d) The proposed infrastructure, utilities, and all other proposed facilities are adequate to serve the Ghent Interchange Mixed Use Overlay and properly interconnect with existing public facilities.

- e) The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.
- f) Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.
- g) The design and layout of the open space areas incorporate existing natural resources in a method that provides benefit to the overall community while ensure long time protection of the resources.
- h) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.
- i) When the township boards are reviewing a new or modified preliminary development plan following the expiration of a previous development plan the township may take into consideration changes in township land use and development policy when making recommendations and decisions related to the preliminary development plan.

(5) Additional Requirements for Preliminary Development Plans

In approving a preliminary development plan, the township shall establish the maximum gross density of the GI-O. The project density approved by the Zoning Commission in the preliminary development plan shall be subject to the application of the development standards of this resolution and any conditions of the approved preliminary development plan. If, upon the application of the development standards and the conditions of the approved plan, the applicant cannot achieve the maximum approved density, then the applicant shall be confined limited to the density achieved from the application of the standards and any conditions.

(6) Crucial Features of the GI-O (Preliminary Development Plan)

- a) The township may incorporate a list of “crucial features of the GI-O” as part of a preliminary development plan approval.
- b) The crucial features of the GI-O are those items or features that the township finds crucial or indispensable to the GI-O approval and as such, the township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the GI-O (See Section 6.09(I): Modifications to Approved Preliminary or Final Development Plans.). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.
- c) The Appearance Review Commission may include a recommendation on the list of crucial features as part of their recommendation to the Zoning Commission, and the Zoning Commission may adopt within their decision.
- d) If a list of crucial features is included in the decision on the preliminary development plan, such list shall be placed in a prominent position on the drawings submitted as part of the GI-O records.

(8) Final Development Plan Review Procedure

Step 6 – SUBMISSION OF A FINAL DEVELOPMENT PLAN

- i) Once the preliminary development plan has been approved by the Zoning Commission, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.
- ii) Prior to submitting a final development plan(s), the applicant if required, should obtain preliminary subdivision plan approval from Summit County to ensure compliance with the subdivision regulations prior to finalizing the final development plan under this article.
- iii) The final development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Appearance Review Commission to ensure the fullest practicable presentation of the facts for the permanent record.
- iv) The detailed final development plan shall be consistent with the applicable GI-O requirements in the Bath Township Zoning Resolution and the contents of the approved preliminary development plan.
- v) A final development plan shall include all necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified open space within all residential planned developments.
- vi) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.

e) Step 7 – PUBLIC MEETING AND DECISION BY THE APPEARANCE REVIEW COMMISSION

- i) Upon receipt of the detailed final development plan and recommendations of staff, the Appearance Review Commission shall, at a public meeting, study and review the detailed final development plan to determine whether all requirements have been satisfied, and the conditions specified in this Section 6.04.
- ii) The Zoning Administrator shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through regular mail.
- iii) Within 60 days of the Appearance Review Commission's public meeting, the Appearance Review Commission shall proceed with approval, approval with modifications, or denial the proposed final development plan.
- iv) Copies of the findings and recommendations of the Commission shall be made available to any other interested persons, requesting same in writing.
- v) After approval of the final development plan, the applicant shall be required to submit a revised final development plan incorporating any revisions or

modifications approved by the township to be maintained for township records.

f) REVIEW CRITERIA FOR A FINAL DEVELOPMENT PLAN

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development plan:

- i) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of open space as indicated on the preliminary development plan and final development plan.
- ii) The proposed detailed final development plan for an individual section of the overall GI-O is consistent in contents (building location, as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan,
- iii) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained. No individual phase shall exceed the approved density.
- iv) That any part of the GI-O not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Appearance Review Commission, left in its natural state.
- v) That any exception from the design standards provided in the GI-O is warranted by the design and amenities incorporated in the detailed final development plan.
- vi) That the detailed final development plan is consistent with the intent and purpose of this zoning resolution.
- vii) Proposed covenants, easements and other provisions meet development standards and protect the public health, safety, and general welfare.
- viii) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review.
- ix) Preliminary development plans and final development plans shall include a list of any and all features in the GI-O Plans which were crucial, and indispensable, in order to gain GI-O approval from the township. This list, under the heading, "Crucial Features for this GI-O," shall be reviewed for approval or denial as part of the GI-O process and shall be placed in a prominent position on the drawings to remain a permanent component of the record drawings.

(g) CRUCIAL FEATURES OF THE GI-O (FINAL DEVELOPMENT PLAN)

- i) The Township may incorporate a list of "crucial features of the GI-O" as part of a final development plan approval.
- ii) The crucial features of the GI-O are as defined in this Section 6.04 and may be included in the final decision on the final development plan.

- iii) The list of crucial features included in the decision on the final development may be the same as those incorporated in the decision on the preliminary development plan or may be a modified version of the list of crucial features included in the decision on the preliminary development plan.
- iv) If a list of crucial features is included in the decision on the final development plan, such list shall be placed in a prominent position on the drawings submitted as part of the GI-O records.

(h) TIME LIMITS

- i) The final development plan shall be submitted within one year after approval of the preliminary development plan, or the approval of the preliminary development plan will expire and the plan will be deemed null and void.
- ii) Upon expiration of the preliminary development plan, the property shall still be zoned as GI-O with a voided preliminary development plan. The property owner or authorized agent may submit an application and new preliminary development plan for consideration pursuant to this Section 6.04
- iii) An applicant can request an extension of any applicable time limit by requesting a status review of the GI-O.
- iv) If the applicant has not received subdivision plat approval or an extension pursuant to this article within one-year of the approval of the final development plan approval, both the preliminary and final development plans will become null and void.

(i) PHASED DEVELOPMENTS

- a) For phased developments, the Appearance Review Commission may approve a phased final development plan schedule as part of the preliminary and/or final development plan approval. In such case, the approved time frames shall establish when the approved development plans shall expire.
- b) When an applicant proposes to complete the project in phases, each phase shall have adequate provision for access, open space, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth in this article. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. The open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

(j) REVIEW OF STATUS OF GI-O DEVELOPMENT PLANS

- i) If an applicant fails to comply with all of the provisions of this article, the Appearance Review Commission may review the status of any approved GI-O district or any development plan, and take action, in accordance with the following procedures:
- ii) The Appearance Review Commission may hold a public hearing to review the status of any approved development plan and, at the conclusion of the hearing, may by

resolution: extend any applicable time period or modify or revoke the preliminary and/or final development plan approval.

- iii) If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the Zoning Administrator.

(k) APPROVED PLANS STAY WITH LAND

- i) Approved preliminary and final development plan shall be attached to the land for which the plans were approved, regardless if the land ownership, developer, or applicant changes.
- ii) If there is a change in land ownership, the new landowner may: continue with the GI-O process and development in accordance with this article and the approved plans; submit a new preliminary development plan and/or final development plan in accordance with this article.

(l) LEGAL EFFECT OF A FINAL DEVELOPMENT PLAN

- i) The approved final development plan shall be kept on record in the township offices together with all resolutions, applications, plats, plans, and other information regarding the development.
- ii) The resolutions prepared by the Appearance Review Commission and the Zoning Commission shall serve as the official record for the permitted uses and activities which are approved for the property in the GI-O.
- iii) The use of the GI-O property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this zoning resolution and subject to the procedures and penalties specified in Article 15: Enforcement and Penalties.

(m) REQUIRED CONDITIONS FOR THE ISSUANCE OF A ZONING CERTIFICATE

- i) A zoning certificate may be issued for a structure in a GI-O district, in accordance with an approved final development plan, following approval if required by the Summit County Planning Commission of a final subdivision plat for that portion of the GI-O within which the proposed structure is to be located, and recording of the approved subdivision plat.
- ii) No zoning certificate shall be issued for any property in a GI-O and no construction shall begin until an approved final development plan is in effect for that phase or property. The final development plan becomes effective upon approval by the Appearance Review Commission.

(n) MODIFICATIONS TO APPROVED PRELIMINARY OR FINAL DEVELOPMENT PLANS

- i) If an applicant proposes to modify an approved preliminary development plan or final development plan, the applicant shall submit the proposed modifications to the Zoning Administrator for transmittal to the appropriate authority based on paragraphs (3) and (4) below.

- ii) The proposed modifications shall be classified as a minor or major modification based on the following:
- iii) Minor Modifications. Minor modifications shall include, but are not limited to, changes that do not involve:
 - a) Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved preliminary development plan or changes to the location or amount of land designated for a specific land use or open space;
 - b) A reduction of more than five percent in the number of parking spots;
 - c) A change of the permitted uses to a use not otherwise permitted in the proposed GI-O;
 - d) Any change that will increase demand on any on or off-site infrastructure;
 - e) Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the GI-O; or
 - f) An expansion of a building footprint that affects the specified setbacks of the approved plan.
- iv) Major Modifications. Major modifications shall include, but are not limited, to:
 - a) A change in greater: density or intensity;
 - b) Changes to the property or project boundaries of the entire GI-O District;
 - c) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations;
 - d) Anything not classified as a minor modification above; or
 - e) Any change that the Appearance Review Commission determines, after review, should be forwarded on to the Zoning Commission as a major modification.
- v) Review of Minor Modifications
 - a) The Appearance Review Commission shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development plan or final development plan.
 - b) Such review and decision shall take place at a public meeting of the Appearance Review Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.
 - c) The decision of the Appearance Review Commission on minor modifications shall be deemed administrative.
 - d) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.
- vi) Review of Major Modifications
 - a) Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the preliminary development plan

pursuant to Section 6.09(B): Preliminary Development Plan Review Procedure, with the following provisions:

- i. The new plan shall not be subject to review by the Summit County Planning Commission; and
- ii. Major modifications shall be subject to new application fees.
- b) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.

(O) MISCELLANEOUS.

If the open space or common area is owned by the township, township approved land trust or other approved qualified organization, county, state or a park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil penalty. If the open space or common area exists pursuant to a conservation easement in which the township is a party to such easement, the township may seek to enforce the terms of the conservation easement. If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the township may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy as permissible by law.