

**ARTICLE 50
COORDINATED DEVELOPMENT DISTRICT**

50.01 PURPOSE

The purpose of the Coordinated Development District (CDD) is to provide a structured zoning framework for the review and development of projects that, due to their size, complexity, mix of uses, or phasing, require a coordinated planning approach that cannot be adequately addressed through conventional zoning districts.

The CDD is intended to balance flexibility with accountability by allowing limited and clearly defined modifications to standard zoning requirements when such modifications result in demonstrably superior development outcomes consistent with the long-term interests of Batavia Township.

The Coordinated Development District is intended to encourage high-quality site design that preserves natural features and promotes neighborhood patterns that enhance community character.

The Coordinated Development District may include development patterns that emphasize conservation design principles, including clustering of development, preservation of natural features, and permanent open space, where such approaches are consistent with the objectives of this Article and the Batavia Township Growth Policy Plan.

Commented [TC1]: Aligned with the Intent of this article. Conservation as a core goal.

The CDD is not intended to function as a default zoning classification, nor as a mechanism to avoid or replace the conventional zoning districts of the Batavia Township Zoning Resolution. Approval of a CDD shall be based on the specific characteristics of the site and proposal, and on a determination that coordinated review is necessary to ensure compatibility, infrastructure capacity, and orderly growth.

The CDD is intended to provide flexibility in site design while maintaining clear standards and expectations for development review.

50.02 AUTHORITY

The CDD is established pursuant to the authority granted to townships under Ohio Revised Code Section 519.021, which authorizes township trustees to adopt regulations providing for planned or coordinated development of land, including flexibility in use, area, bulk, density, and arrangement of buildings, subject to standards and procedures adopted by resolution.

All development within a CDD shall comply with the provisions of this Article, the Batavia Township Zoning Resolution, and all applicable federal, state, county, and township laws and regulations.

Where the provisions of this Article conflict with other provisions of the Zoning Resolution, the provisions of this Article shall govern only to the extent expressly authorized and approved as part of an adopted CDD.

Nothing in this Article shall be construed to create an entitlement to a zoning map amendment, increased density, or deviation from established standards, nor to limit the authority of the Batavia Township Board of Trustees to approve, condition, or deny a proposed CDD.

50.03 OBJECTIVES

The Coordinated Development District (CDD) and the associated planning and development regulations as set forth and referred to herein are designed to achieve the following objectives:

- A.** Provide limited flexibility in the regulation of residential, commercial, office, mixed-use and other types of land development where a coordinated planning approach is necessary to address site-specific conditions and long-term Township interests.
- B.** Encourage a variety of housing and building types, a compatible mix of nonresidential and residential development, and creative site design that is integrated with surrounding land uses and development patterns.
- C.** Encourage the provision of usable and functional open space, and the preservation of valuable and unique natural resources, including environmentally sensitive areas and significant landscape features.
- D.** Provide a development pattern that preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation; minimizes disruption of natural drainage patterns; and contributes to the ecological well-being of the community.
- E.** Promote coordinated and orderly growth by ensuring development is coordinated with the Batavia Township Growth Policy Plan, existing and planned infrastructure, community facilities, transportation systems, public services, land use density and surrounding land uses.
- F.** Promote efficiency through a more effective and coordinated use of land than is generally achieved through conventional development patterns, resulting in reduced duplication of infrastructure, shorter utility extensions, and more efficient delivery of public services.

G. Provide opportunities for alternate energy and utility uses, including wind and solar energy generation as principal uses, to be sited, designed, and operated in a manner consistent with community character and adopted Township growth policies, where expressly permitted by this Article.

H. Encourage development patterns consistent with contemporary planning practices where appropriate, including interconnected street networks, pedestrian connectivity, mixed housing types, and other features that enhance walkability and neighborhood character.

I. These objectives are intended to guide decision-making and shall not be interpreted as fixed numerical requirements unless expressly stated in this Article.

Commented [TC2]: Prevents objectives from being used as enforceable standards

50.04 GOVERNING PROVISIONS

A. General

Because of the size, complexity, mix of uses, and phasing associated with development within a CDD, special provisions governing the coordinated development of land are required.

All subjects not specifically addressed or modified by an approved CDD shall be governed by the applicable provisions of the Batavia Township Zoning Resolution.

B. Construction and Permit Authorization

No construction, grading, tree removal, soil stripping, or other site improvements shall commence, and no zoning certificates or permits shall be issued, until a Final Development Plan for the CDD, or applicable phase thereof, has been approved and all required federal, state, and county approvals have been obtained in accordance with the requirements of this Article and all applicable conditions of approval have been satisfied.

Approval of a CDD Preliminary Development Plan does not authorize construction. Construction may occur only upon approval of a Final Development Plan and issuance of the required zoning certificates and permits.

All development activity shall conform to the approved Final Development Plan and any conditions imposed by the Batavia Township Board of Trustees or Zoning Administrator, as applicable.

50.05 APPLICABILITY & ELIGIBILITY

A. Applicability

A Coordinated Development District may be applied only to development proposals that, due to their size, configuration, mix of uses, intensity, or phasing, require a coordinated planning and review process beyond that provided by conventional zoning districts.

The CDD shall not be used as a substitute for standard zoning districts where the proposed development can reasonably comply with the requirements of the existing zoning classification. The CDD may allow flexibility in dimensional standards where such flexibility results in improved site design, preservation of open space, or coordinated development patterns.

A zoning map amendment to a CDD shall be considered an exceptional zoning action and shall be evaluated based on the specific characteristics of the site and the proposed development plan.

Approval of a CDD shall be accomplished through a zoning map amendment in accordance with the procedures set forth in this Resolution.

B. Minimum Site Area

A Coordinated Development District shall apply only to properties consisting of contiguous land under unified ownership or control that meet the following site area requirements:

Development Type	Minimum Site Area
Residential Development	10 acres
Mixed-use or mixed-density development	20 acres
Large-scale coordinated developments involving multiple phases, mixed land uses, or significant infrastructure coordination	50 acres

The minimum site area shall be determined based on the overall scope and characteristics of the proposed development.

The Board of Trustees may consider a smaller site area where unique site characteristics, environmental constraints, or infrastructure considerations demonstrate that coordinated planning is necessary and appropriate.

C. Eligibility

A property may be considered for zoning map amendment to a Coordinated Development District only when all of the following eligibility criteria are met:

1. Minimum Site Area and Contiguity

The proposed CDD shall consist of a contiguous tract of land meeting the minimum site area requirements established in this Article. Parcels separated only by public rights-of-way, utility corridors, or similar features may be considered contiguous for purposes of this section.

2. Unified Ownership or Control

All land included within the proposed CDD shall be under unified ownership or demonstrated unified control at the time of application. Unified control may include purchase agreements, options, development agreements, or other legally binding instruments acceptable to the Township. Documentation demonstrating such ownership or control shall be submitted with the application.

3. Comprehensive Development Plan

The application shall include a development plan comprehensive for the entire site that demonstrates coordinated land use, circulation, infrastructure, open space, and development phasing. Incremental or speculative zoning map amendments without an integrated development concept shall not qualify for consideration as a CDD.

4. Consistency with Adopted Township Plans

The proposed CDD shall be generally consistent with the Batavia Township Growth Policy Plan and other adopted Township plans and policies, or the applicant shall demonstrate that the proposal represents a logical and supportable evolution of those plans.

5. Infrastructure Capacity and Service Availability

The applicant shall demonstrate that adequate public facilities and services, including but not limited to roads, utilities, drainage, and emergency services, are available or will be provided to serve the proposed development without creating unreasonable impacts on existing Township infrastructure.

6. Compatibility with Surrounding Development

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The proposed CDD shall be designed to be compatible with surrounding zoning districts and land uses through appropriate transitions in use, density, intensity, scale, setbacks, buffering, and site design.

Compatibility may be achieved through a range of design techniques, including but not limited to lot configuration, buffering, setbacks, open space placement, and roadway edge treatment, rather than any single prescribed standard.

7. Ability to Be Developed in Logical Phases

Where development is proposed to occur in phases, the development plan shall demonstrate that each phase can function independently with respect to access, infrastructure, and required amenities, and that approval of early phases will not rely on future phases to correct deficiencies.

D. Effect of Eligibility Determination

Meeting the eligibility criteria set forth in this section shall not be construed as creating an entitlement to a zoning map amendment, approval of a Coordinated Development District, or approval of any specific use, density, or development standard. Zoning map amendment to a CDD shall be subject to the full review and approval process set forth in this Article.

50.06 Relationship to Existing Zoning and Development Patterns

A. Replacement of Existing Zoning Standards

Approval of a CDD and Preliminary Development Plan shall replace existing zoning standards of the subject property. Development of the subject site shall conform to the conditions of development approved by the Township for the CDD and Preliminary Development Plan. The applicant shall demonstrate that the proposed use, density, intensity and site design are appropriate for the site and the area.

B. Permitted Modifications of Zoning Standards

The applicant for a CDD and Preliminary Development Plan shall demonstrate that the proposed development and change in existing zoning is appropriate and that the proposed CDD site design will result in development that will be appropriate for the site, there is available infrastructure, and that the design will provide a compatible transition and buffering to existing adjacent development.

The applicant shall demonstrate why a change in the existing zoning district and the zoning standards is necessary and appropriate. Any change in intensity from the existing zoning standards shall be limited to those necessary to achieve coordinated site design, compatibility, or infrastructure efficiency consistent with the objectives of the Coordinated Development District and the Growth Policy Plan.

C. Prohibited Modifications

Nothing in this Article shall be construed to authorize the waiver or modification of requirements related to public health, safety, or welfare, including but not limited to applicable building codes, fire codes, environmental regulations, or state and county requirements, except where expressly permitted by law.

D. No Expansion by Implication

Approval of a Coordinated Development District shall not be interpreted to permit additional uses, increased density, or further deviations from the zoning standards beyond those expressly approved as part of the approved development plan and conditions of approval.

50.07 Permitted Uses and Limitations

A. Uses Permitted

Uses permitted within a Coordinated Development District shall be limited to those uses expressly identified and approved as part of an adopted CDD Preliminary and Final Development Plan. Development plans may incorporate a variety of housing types and residential densities where such arrangements contribute to coordinated development patterns and compatibility with surrounding areas.

Uses proposed within a CDD may include residential, commercial, office, institutional, mixed-use, or other uses that are otherwise permitted within one or more zoning districts of the Batavia Township Zoning Resolution, provided that such uses are specifically identified on the approved Preliminary Development Plan and determined by the Township to be appropriate for the site and compatible with surrounding land uses.

All uses within a Coordinated Development District shall be reviewed and approved by the Township as part of the CDD zoning map amendment and development plan approval process. No use shall be permitted unless it is expressly shown on and authorized by the approved Preliminary Development Plan. All approved uses shall remain subject to

applicable supplemental and performance standards of the Batavia Township Zoning Resolution unless expressly modified by the approved CDD development plan.

B. Conditions on Uses

Uses approved within a Coordinated Development District may be subject to conditions, limitations, or performance standards as part of the approval of the Preliminary or Final Development Plan in order to ensure compatibility, mitigate impacts, and achieve the objectives of this Article.

Such conditions may include, but are not limited to, limitations on location, intensity, hours of operation, buffering, access, circulation, site design, open space and phasing.

C. Principal Use Energy Systems

Solar energy systems and wind energy systems may be approved as principal uses within a Coordinated Development District only where such uses are expressly identified on the approved Preliminary Development Plan and are determined by the Township to be appropriate for the site.

Principal use energy systems approved within a CDD shall comply with all applicable development standards set forth in this Article and elsewhere in the Batavia Township Zoning Resolution.

D. Public and Governmental Facilities

Public and governmental facilities may be approved within a Coordinated Development District where such facilities are expressly identified on the approved Preliminary and Final Development Plans and determined by the Township to be appropriate for the site and compatible with surrounding land uses.

In evaluating public or governmental facilities, the Township may modify or waive specific development standards of this Article where it determines such flexibility is necessary to accommodate essential public services and where the overall development remains consistent with the intent of this Article.

Public and governmental facilities may include, but are not limited to, Township buildings and facilities, fire and emergency medical service facilities, training facilities, public works facilities, administrative offices, parks, and other public service or community facilities.

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All public and governmental facilities approved within a CDD shall comply with applicable standards of this Article and the Batavia Township Zoning Resolution unless expressly modified as part of the approved Preliminary Development Plan.

50.08 Prohibited Uses

A. Uses Not Expressly Approved

Any use not expressly identified and approved as part of an adopted Coordinated Development District Preliminary Development Plan shall be prohibited.

B. Prohibited by Implication

No use shall be permitted within a Coordinated Development District by implication, interpretation, or analogy to uses permitted in other zoning districts.

C. Expansion or Substitution of Uses

The expansion, substitution, or addition of uses beyond those approved as part of the approved Preliminary Development Plan shall be prohibited unless such change is reviewed and approved in accordance with the amendment procedures set forth in this Article.

D. Continuation of Prohibited Uses

Uses prohibited by this section shall not be established, re-established, expanded, or intensified within a Coordinated Development District.

50.09 Findings Required for Approval

A. General Requirements

Prior to approval of a zoning map amendment to a Coordinated Development District and the associated Preliminary Development Plan, the Batavia Township Board of Trustees shall make specific findings, based on the record before it, that the proposed development satisfies the requirements of this Article and warrants approval as a Coordinated Development District. Such findings shall be based on competent, credible evidence in the record, including submitted plans, supporting studies, staff analysis, and public input.

B. Findings of Coordination

In order to approve a Coordinated Development District, the Board of Trustees shall find that the proposed development demonstrates coordination in all of the following respects, and that such coordination cannot be reasonably achieved through conventional zoning districts:

1. Coordination with Adopted and Future Township Plans

The proposed development is consistent with the Batavia Township Growth Policy Plan and any other adopted Township plans, policies, or planning documents, or represents a logical and supportable implementation or evolution of such plans, including consideration of future planning initiatives formally adopted by the Township.

2. Coordination of Land Use and Development Pattern

The proposed development demonstrates a coordinated land use pattern that provides appropriate transitions in use, scale, intensity, and site design both within the development and at its perimeter, taking into account surrounding zoning districts and existing development patterns.

Coordination under this subsection shall be evaluated based on site design, buffering, circulation, access management, and physical layout, and shall not be based solely on subjective preference or opposition to otherwise permitted uses. A mixture of lots sizes and housing types are encouraged to avoid uniform and repetitive housing developments based on recommendations of the Growth Policy Plan and to provide contextual transitions between existing and proposed development.

The proposed development shall provide appropriate transitions in use, scale, intensity, and site design both within the development and at its perimeter. Where development abuts existing residential or undeveloped agricultural land, the development shall provide an appropriate transition in lot size, scale, intensity, or design. Such transitions may be achieved through a variety of techniques, including but not limited to increased lot size, setbacks, buffering, open space placement, or other design solutions that achieve compatibility. These transition expectations shall apply to both developed residential areas and undeveloped agricultural land.

Use of perimeter buffering is required when lot size transition is not feasible.

3. Coordination of Infrastructure and Public Services

Commented [JW3]: Added to address recommended condition by the Zoning Commission.

Commented [TC4]: The original language basically locked us into a minimum lot size, even though that wasn't the intent. This revision removes that and instead keeps it flexible, so we can look at each project based on how well it fits the site and surrounding area which aligns with the Zoning Commission's direction and preserves discretionary authority.

The proposed development demonstrates coordinated planning with applicable public agencies, service providers, and regulatory authorities responsible for infrastructure and public services, including but not limited to transportation facilities, utilities, drainage systems, water and wastewater service, inspection and permitting functions.

Emergency services coordination may include review and comment by the applicable fire and emergency medical service providers having jurisdiction, for the purpose of evaluating access, circulation, site design, and service availability.

Such coordination may include review and comment by state, county, regional, or local agencies having jurisdiction over specific components of the development, with recognition that such agencies typically review projects for compliance with their respective standards rather than for land use approval.

4. Coordination with Transportation and Right-of-Way Authorities

Where the proposed development impacts or relies upon facilities within public rights-of-way, including state or county roadways, the development plan demonstrates coordination with the appropriate transportation or right-of-way authority to address access, traffic operations, safety, and improvements.

5. Coordination with Environmental and Resource Protection Review

The proposed development demonstrates coordination with applicable environmental and resource protection review processes, including stormwater management, erosion and sediment control, floodplain regulation, and protection of natural resources, as administered by the appropriate reviewing agencies or authorities.

6. Coordination of Phasing and Implementation

Where development is proposed to occur in phases, the development plan demonstrates coordinated phasing such that each phase functions independently with respect to access, infrastructure, and required improvements, and does not rely on future phases to correct deficiencies.

7. Encourage Modern Planning Practices

The development incorporates design elements consistent with contemporary planning practices where appropriate, including but not limited to connected street networks, pedestrian connectivity, mixed housing types, and other features that

enhance walkability and neighborhood character. Pedestrian connectivity, including sidewalks, paths, or trail connections within the development and to adjacent properties where feasible, is encouraged.

Failure to obtain review comments and responses from service and county and state review agencies shall not be the basis for denial of the proposed CDD.

C. Findings of Appropriateness

In addition to the Findings of Coordination, the Board of Trustees shall find that:

1. The size, configuration, and characteristics of the site are appropriate for consideration as a Coordinated Development District.
2. The proposed development will not result in unreasonable adverse impacts on adjacent properties or the surrounding area, considering factors such as traffic, access, infrastructure capacity, stormwater management, noise, lighting, and overall development intensity.
3. The proposed development provides buffering and land use intensity transition that limits impacts on existing adjacent properties.
4. The proposed development provides planning efficiencies, infrastructure coordination, or public benefits that justify the application of the Coordinated Development District in lieu of conventional zoning **which shall be clearly demonstrated and proportionate to any requested flexibility in density, intensity, or development standards.**
5. The proposed development supports the Township's ability to retain and attract development that might otherwise locate in adjacent jurisdictions.

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D. Limitation and Effect of Findings

Failure to make the findings required by this section shall be grounds for denial of a zoning map amendment to a Coordinated Development District or of a Preliminary Development Plan.

Approval of a Coordinated Development District shall be limited to the specific Preliminary Development Plan and conditions approved and shall not be construed to establish a precedent for other properties or developments.

Approval of one Coordinated Development District shall not be interpreted as justification for approval of similar requests on other properties without independent evaluation under the standards of this Article.

Commented [TC5]: Protects Township from Precedent Arguments and Development Creep

50.10 Density and Intensity Standards

A. General Applicability

Density and intensity within a Coordinated Development District (CDD) shall be established in a manner that is consistent with the Batavia Township Growth Policy Plan and capacity of the surrounding area.

The applicant shall demonstrate why a change is needed from the existing zoning district and how the proposed development will be compatible with the adjacent development patterns

The CDD is not intended to increase density or development intensity beyond what is contemplated by adopted Township policy, but rather to allow coordinated site planning, design flexibility, and infrastructure alignment where such development is otherwise appropriate.

B. Relationship to the Growth Policy Plan

All residential and nonresidential density determinations within a CDD shall be evaluated for consistency with the Future Land Use Map and applicable land use categories identified in the Batavia Township Growth Policy Plan, as adopted and as may be amended in the future.

The Growth Policy Plan shall serve as the primary policy guide for determining whether proposed densities or intensities are appropriate for a given location, including consideration of public utilities, transportation capacity, environmental constraints, surrounding development patterns, and preservation of Township character.

Where the Growth Policy Plan identifies a range of appropriate densities, the Township shall not be obligated to approve the maximum density within that range. Density approvals shall be based on site-specific conditions and the quality of the proposed development.

Density within a CDD shall reflect the rural character and service limitations identified in the Growth Policy Plan unless the subject property is located within an area that explicitly supports increased density and is served by appropriate public infrastructure.

Development density and intensity may be evaluated more flexibly where the Growth Policy Plan identifies neighborhood, infill, mixed-use, or business development areas.

A CDD shall not be used to justify densities or intensities that are inconsistent with the Growth Policy Plan and demonstrated infrastructure capacity.

Consistency with the Growth Policy Plan shall be necessary but not sufficient; proposed density or intensity shall also be supported by demonstrated infrastructure capacity and compatibility with surrounding development patterns.

In areas identified by the Batavia Township Growth Policy Plan as appropriate for higher intensity development, including areas served by public utilities or located in proximity to municipal boundaries, the Township may consider development patterns and densities that are comparable to those available within nearby jurisdictions, provided that such development is consistent with the overall intent of this Article and supported by adequate infrastructure and services.

Commented [TC6]: Specifically call out Annexation Threats and try to address the need and further anchoring it to the Growth Policy Plan

C. Demonstration of Appropriate Density and Intensity

The Township shall also consider the inclusion of design enhancements, infrastructure improvements, or public amenities when evaluating the overall appropriateness of proposed density or intensity.

The applicant shall bear the burden of demonstrating the proposed density or intensity and shall address the following standards:

1. Residential density and development intensity should align with the planning objectives and growth areas identified in the Growth Policy Plan.
2. Respects the intent and expectations of the existing zoning pattern;
3. Is supported by available or planned infrastructure and public services;
4. Provides appropriate transitions to adjacent properties and development patterns; and
5. Will not result in unreasonable adverse impacts when considered cumulatively.

Failure to adequately demonstrate these factors shall be grounds for denial or for approval at a reduced density or intensity.

The Township shall evaluate parking demand and supply as part of the review of density and site design. The applicant shall demonstrate that parking is adequately addressed through a combination of driveway design, garage placement, on-street parking, and/or shared or visitor parking areas. The Township may require adjustments to site design, including setbacks, lot configuration, or parking layout, to ensure safe and functional parking conditions.

Commented [TC7]: evaluate parking as part of density and site design so issues like driveway length, street parking, and setbacks are addressed without hardcoding a 45' rule everywhere

The Township may also consider whether the proposed development represents a logical extension of existing development patterns or infrastructure networks, and whether approval of such development within the Township would support coordinated growth and reduce the need for annexation to adjacent jurisdictions.

D. Residential Density

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Residential density within a CDD shall be established through the approved Preliminary Development Plan and evaluated holistically, considering site design, lot layout, open space preservation, environmental constraints, buffering, access, and overall neighborhood context, rather than solely dwelling units per acre.

Residential density may be distributed across a site using a variety of design approaches, including clustered or conservation-style development patterns, provided that overall density, open space, and compatibility standards of this Article are met.

Commented [TC8]: density is not necessarily spread evenly
clustering is allowed

Where appropriate infrastructure is available, higher residential densities may be considered in order to support efficient land use, coordinated development, and retention of development within the Township.

Higher residential densities may be approved only where the Township finds that such densities are necessary to achieve coordinated development objectives and result in equal or greater compatibility and infrastructure performance than would occur under conventional zoning.

The Township may require reduced intensity, additional buffering, phased development, or operational limitations where necessary to ensure consistency with surrounding development and available infrastructure.

E. Nonresidential Intensity

Nonresidential development intensity shall be evaluated based on building scale, site coverage, traffic generation, operational characteristics, and compatibility with surrounding uses.

The Township may require reduced intensity, additional buffering, phased development, or operational limitations where necessary to ensure consistency with surrounding development and available infrastructure.

F. No Automatic Entitlement

Approval of a Coordinated Development District shall not be construed as an entitlement to maximum density or intensity. The Township retains full discretion to approve, modify, or deny proposed density and intensity based on the standards and findings set forth in this Article.

50.11 Open Space, Environmental, and Natural Feature Coordination

A. Purpose and Intent

The purpose of this section is to ensure that development within a Coordinated Development District provides meaningful, permanent, and functional open space that preserves natural features, protects environmental resources, maintains Township character, and offsets development intensity through coordinated site planning.

Open space within a CDD shall be an integral component of the overall development plan and shall not consist solely of residual, incidental, or infrastructure-driven areas.

Open space shall be evaluated based on both quantity and functional quality, including usability, accessibility, and its contribution to the overall site design and development pattern.

To the extent practicable, development plans shall incorporate preservation of mature trees, existing woodlands, and native vegetation as part of the open space system.

Development plans are encouraged to incorporate sustainable design practices such as low-impact stormwater management, permeable surfaces, or preservation of natural drainage patterns where appropriate.

Development patterns that concentrate development in defined areas in order to preserve larger, contiguous open space areas are encouraged where consistent with site conditions and Township policy.

B. Minimum Open Space Requirement

All development within a Coordinated Development District shall provide a minimum of thirty percent (30%) of the gross site area as permanent open space.

The Board of Trustees may approve a reduced open space percentage where it determines that:

1. The proposed development is located within an area identified for commercial, mixed-use, or higher intensity development in the Batavia Township Growth Policy Plan; and
2. The overall site design, intensity, infrastructure capacity, and provision of amenities or design features achieve an equal or greater level of community benefit consistent with the intent of this Article.

In such areas, open space requirements may be adjusted to reflect the development pattern and intensity anticipated by the Growth Policy Plan, provided that the development incorporates appropriate site design, buffering, landscaping, or public spaces that contribute to the overall character and function of the development.

In such cases, the applicant shall demonstrate why a reduced open space percentage is appropriate and how the proposed development satisfies the purpose and intent of this section.

The Township may require open space in excess of the minimum required where necessary to mitigate development impacts, preserve natural or agricultural features,

Commented [TC9]: Highlight Wedge Development Along SR 32

Commented [TC10]: Addressing the concern for 30% open space in Commercial Development Areas

provide active recreational amenities, or offset increased density or intensity approved pursuant to this Article.

The Board of Trustees may further modify open space requirements for public or governmental facilities where strict application would not be practical and where the proposed use provides a clear public benefit.

C. Determination of Open Space Areas

One of the objectives of the Coordinated Development District is to encourage usable and functional open space. This can be achieved by ensuring that open space within a single development is not predominantly comprised of unbuildable land areas of the property. There is benefit to protecting sensitive portions of a property, but it is also necessary to ensure open space in a CDD is accessible and usable.

Land designated to meet the minimum open space area requirements of the CDD shall not be predominantly composed of the following areas, unless such areas are integrated into a functional open space system or provide environmental, recreational, or design value as determined by the Township:

1. Areas with physical or environmental constraints that limit their suitability for development, including steep slopes, flood-prone land, wetlands, or similar constrained areas, unless such areas are intentionally preserved and incorporated into a cohesive and functional open space system;
2. Stormwater detention or retention facilities, drainage swales, or similar infrastructure, except where designed and approved as usable, multi-functional open space amenities;
3. Landscape screening areas or building setbacks;
4. Road rights-of-way, access easements, or utility easements that materially restrict open space use; or
5. Land reserved for future development or future phases unless expressly designated and approved as permanent open space.

The applicant shall bear the burden of demonstrating that all proposed open space meets the intent and requirements of this section. Open space calculations shall be clearly delineated on the development plans.

In commercial or mixed-use developments, required open space may include plazas, pedestrian gathering areas, or other designed spaces that provide functional and aesthetic value, even where such areas differ from traditional open space configurations.

Commented [TC11]: Commercial developers don't think in: fields green space
They think in: plazas outdoor seating walkable environments.

We kinda already did this for the Hospital Drive Project. Struggling to get 20%.

D. Relationship Between Density and Open Space

Open space shall serve as a primary tool for mitigating the impacts of development density and intensity within a CDD.

This may include conservation-based development approaches that prioritize preservation of natural features and rural character through coordinated site design.

Commented [TC12]: Further Conservation Style Development signaling

Approval of increased residential density or nonresidential intensity shall be contingent upon the Township's determination that the amount, configuration, and functionality of open space provided adequately offsets development impacts and advances the coordinated development objectives of this Article.

In rural areas of the Township, open space shall emphasize preservation of rural character, agricultural land, natural landscapes, and environmental resources, and shall generally exceed the required minimum amount of open spaces unless the applicant demonstrates that a lesser amount of open space achieves equal or greater preservation outcomes.

E. Active and Passive Open Space

Required open space shall consist of a combination of passive open space and active open space, appropriate to the scale, density, and context of the development.

1. Passive Open Space

Passive open space includes areas intended primarily for preservation and low-impact use, including but not limited to:

- a. Woodlands, tree stands, and natural habitats.
- b. Riparian corridors and floodplain areas.
- c. Agricultural land preserved for continued use.
- d. Natural meadows, conservation areas, and similar landscapes.

Passive open space is generally intended to preserve natural features or provide visual and environmental benefits and may not be designed for intensive recreational use.

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2. Active Open Space

Active open space includes designed, accessible areas intended for recreational or community use, including but not limited to:

- a. Walking paths or trail systems, which may be required to be paved where appropriate.
- b. Playgrounds or play areas.
- c. Community greens or gathering spaces.
- d. Recreational courts, fields, pools, or similar amenities.

Active open space should be designed to be accessible, functional, and proportionate to the scale and type of development, and shall serve the residents, occupants, or users of the development.

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Where the proposed residential density exceeds the existing zoning district, the development plan shall include at least one (1) active open space amenity, unless the Board of Trustees finds that site conditions, project type, or the nature of the proposed development make such amenity impracticable.

For nonresidential or mixed-use developments, active open space may be satisfied through plazas, courtyards, pedestrian gathering areas, or similar features designed to support pedestrian activity and interaction, as determined appropriate by the Township.

The Township may consider the balance of active and passive open space in relation to the overall development pattern, density, and intended use of the site when determining compliance with this section.

Commented [TC13]: Calling out Mix Use Developments and addressing the balance we still require with active and passive.

F. Buffering and Roadway Edge Treatment

To establish a unified and intentional development edge, buffering shall be required along Township, County, and State road rights-of-way.

The design of roadway edges shall be evaluated in relation to the surrounding development pattern, roadway classification, and the character of the corridor.

Development along external road frontages shall incorporate a coordinated roadway edge treatment designed to maintain Township character and soften the visual impact of development.

Such treatment shall be designed to create a consistent and coordinated visual edge along the roadway and shall avoid abrupt transitions or exposed development features that detract from Township character.

Roadway edge treatment may include a combination of landscaping, natural features, setbacks, open space placement, berms, or other design elements. The specific design approach shall be determined based on site conditions and overall development character and shall not require any single prescribed treatment.

The Township may require adjustments to the type, location, or intensity of buffering elements where necessary to achieve an appropriate transition and roadway presence.

Roadway edge design shall be evaluated based on its ability to visually soften development from the roadway, maintain rural or corridor character where applicable, and provide a cohesive and intentional development edge.

Consideration shall be given to building placement, parking location, signage visibility, and the relationship between developed areas and open space when evaluating the effectiveness of roadway edge design. In commercial or mixed-use developments, roadway edge treatment may include coordinated building placement, pedestrian-oriented design, and integrated landscaping in lieu of traditional buffering, where such design achieves an equal or greater level of visual quality and compatibility.

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Commented [TC14]: clarified how roadway edge design is evaluated and gave the Township clearer authority to require adjustments, while still allowing different design approaches depending on the type of development.

G. Stream Buffers Protection

Development adjacent to rivers, streams, or watercourses shall provide a natural buffer measured from the top of bank of the watercourse. Minimum buffer widths shall be as follows, as measured along both banks:

1. Major Rivers – 50 feet
2. Perennial streams – 25 feet
3. Intermittent streams – 25 feet

Stream buffers shall remain undisturbed except for approved crossings, trails, utilities, or stormwater infrastructure where such improvements are demonstrated to be necessary and designed to minimize disturbance.

The Township may require increased buffer widths where necessary to protect water quality, natural habitat, or floodplain function based on site-specific conditions. Required stream buffers may be included within required open space areas where appropriate.

H. Design and Configuration Standards

Open space shall be designed as a coordinated and connected system rather than isolated or fragmented areas. In evaluating open space design, the Township shall consider:

1. Connectivity to adjacent open space, trail systems, or natural features;
2. Accessibility and visibility from public or private streets where appropriate;
3. Relationship to surrounding development and land uses;
4. Long-term usability, maintenance, and stewardship; and
5. Integration with stormwater management only where such facilities function as usable open space amenities.

I. Ownership and Maintenance

Open space within a CDD may be owned and maintained by a homeowners' or property owners' association, a conservation organization or land trust, a governmental entity, or a combination thereof, subject to Township approval.

A long-term open space ownership and maintenance plan shall be submitted as part of the Preliminary Development Plan. Failure to adequately provide for long-term maintenance shall be grounds for denial.

J. Modification Prohibited

Open space approved as part of a Coordinated Development District shall not be reduced, relocated, or converted to other uses except through a formal amendment or minor modification approved in accordance with this Article.

Open space shall not be reserved for future development or used to justify increased density unless expressly approved as part of the adopted development plan.

K. Effect of Approval

Approval of open space within a Coordinated Development District shall apply only to the specific Preliminary Development Plan approved and shall not establish a precedent for other developments or properties.

50.12 Phasing and Timing of Development

A. Purpose and Intent

The purpose of this section is to ensure that development within a Coordinated Development District occurs in a coordinated, logical, and orderly manner and that infrastructure, open space, buffering, and required amenities are provided in proportion to development impacts at each stage of construction.

Phasing is intended to protect the Township and surrounding properties from incomplete development, unmet commitments, or reliance on future phases to correct deficiencies.

B. Phasing Plan Required

All Coordinated Development Districts shall be developed in accordance with a phasing plan approved as part of the Preliminary Development Plan.

The phasing plan shall clearly identify:

1. The boundaries and sequencing of each phase;
2. The proposed timing of development for each phase;
3. The infrastructure, open space, buffering, and amenities to be provided within each phase; and
4. Any conditions or dependencies between phases.

C. Independent Functionality of Phases

Each phase of a Coordinated Development District shall be designed to function in a safe and orderly manner consistent with the approved development plan.

Phasing shall not result in completed phases that lack reasonable access, utilities, or improvements necessary to serve that phase, nor shall required open space, buffering, landscaping, or amenities for a completed phase be deferred entirely to future phases unless expressly approved by the Township.

Impacts created by development within a phase shall be addressed in a manner proportional to that phase and consistent with the approved phasing plan.

D. Timing of Open Space and Amenities

Required open space, buffering, and amenities shall be provided in proportion to the development approved and constructed within each phase.

Open space and buffering intended to serve a particular phase shall be installed concurrently with or prior to the development of that phase.

Active open space amenities required as a condition of density or intensity approval shall be constructed no later than the completion of the phase generating the need for such amenities, unless an alternative timing is expressly approved by the Township.

E. Infrastructure and Public Improvements

Infrastructure and public improvements, including transportation facilities, utilities, drainage systems, and emergency access, shall be installed in a manner that supports the orderly development of each phase.

The Township may require infrastructure improvements to be completed in advance of or concurrent with development where necessary to ensure public safety, service capacity, or compliance with approved plans.

F. Modification of Phasing

Minor adjustments to phasing schedules that do not affect density, intensity, open space, infrastructure, or public improvements may be approved administratively where authorized by this Article.

Modifications to an approved phasing plan determined by the Zoning Administrator to be more than minor adjustments shall require review and approval in accordance with the amendment procedures of this Article and the major and minor modification standards set forth in Section 50.15.

G. Failure to Complete Phases

Failure to commence or complete a phase in accordance with the approved phasing plan shall not relieve the applicant of obligations imposed for completed phases.

The Township may restrict or withhold approvals for subsequent phases until deficiencies in prior phases have been corrected.

H. Effect of Approval

Approval of a phasing plan shall apply only to the specific Preliminary Development Plan approved and shall not establish a precedent for other Coordinated Development Districts or developments.

50.13 Development Plan Submittal Requirements

A. Purpose and Intent

The purpose of this section is to establish minimum submittal requirements for applications seeking approval of a Coordinated Development District (CDD) in order to ensure that proposed developments can be adequately reviewed for compliance with this Article and other applicable Township regulations.

Submittal requirements are intended to provide sufficient information for informed review and decision-making by Township staff, the Zoning Commission, and the Board of Trustees, and shall be commensurate with the scale, complexity, and potential impacts of the proposed development. Applications submitted under this Article are expected to reflect a higher level of planning, coordination, and design detail than is typically required for conventional zoning districts, consistent with the flexibility afforded by the Coordinated Development District.

Commented [TC15]: CDD = higher expectation

B. Preliminary Development Plan Required

An application for zoning map amendment to a Coordinated Development District shall include a Preliminary Development Plan.

The Preliminary Development Plan shall depict the general design, layout, and intent of the proposed development and shall provide sufficient information to evaluate compliance with this Article. The level of detail required shall be appropriate to the nature of the proposed development and may be refined during the review process.

The Preliminary Development Plan and supporting documentation submitted as part of a Coordinated Development District application shall be prepared by qualified professionals, as appropriate to the type of information provided. Such professionals may include, but are not limited to, registered professional engineers, architects, surveyors, or landscape architects licensed in the State of Ohio.

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C. Content of Preliminary Development Plan

The Preliminary Development Plan shall include sufficient information to describe the overall development concept and to allow the Township to evaluate compliance with this Article.

The Preliminary Development Plan shall be of sufficient detail to demonstrate compliance with the standards of this Article, including but not limited to density, open space, buffering, roadway edge treatment, and coordination with surrounding development.

At a minimum, the Preliminary Development Plan shall include the following:

1. The location, boundaries, and acreage of the subject property;
2. Existing zoning districts on the subject property and adjacent properties;
3. The general location, type, and arrangement of proposed land uses;
4. Conceptual layout of development areas, including residential, nonresidential, and mixed-use areas where applicable;
5. General circulation patterns, including proposed access points, internal streets, and pedestrian or bicycle connections;
6. The general location and configuration of required open space, including active and passive open space areas;
7. The relationship between open space and developed areas, including how open space is distributed, accessed, and integrated into the overall site design;
8. Conceptual buffering, landscaping, and roadway edge treatments along external boundaries, illustrated in a manner sufficient to demonstrate how the development will be perceived from adjacent properties and public rights-of-way; Proposed phasing of development, if applicable; and
9. Any additional information reasonably necessary to evaluate proposed density, intensity, open space, buffering, and coordination with surrounding land uses and infrastructure.

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D. Acreage Breakdown Table

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An Acreage Breakdown Table shall be submitted as part of the Preliminary Development Plan and shall be updated and resubmitted with all subsequent development plans, including the Final Development Plan and any approved amendments.

The Acreage Breakdown Table shall provide a consolidated summary of quantitative development information necessary for Township review and shall include, at a minimum, the following categories, as applicable to the proposed development:

1. Existing and Proposed Zoning;
2. Existing and Proposed Uses;
3. Total gross/net site area;
4. Right-of-way and Easements area
5. Area by phase, where development is proposed in phases;
6. Land area devoted to residential development, nonresidential development, open space, rights-of-way, and other significant land uses;
7. Total open space acreage, including a breakdown of active and passive open space;
8. Areas excluded from open space calculations;
9. Residential development data, including number of dwelling units, lot sizes, lot widths at the building line, and applicable setbacks;

10. Gross and net residential density calculations;
11. Impervious surface area and impervious surface ratio, where applicable;

12. Areas containing environmental features, including steep slopes, streams, ponds, wetlands, floodplains, and natural resource areas, shall be identified on the development plan. Steep slopes shall mean slopes greater than twenty percent (20%) as measured by topographic mapping or equivalent engineering analysis; and, Proposed ownership and maintenance responsibility for required open space, including HOA/POA documents, conservation easement, or dedication, as applicable.

13. Buffer length along road frontage.

The Acreage Breakdown Table shall be consistent with all submitted plans and supporting documentation. The applicant shall bear the burden of demonstrating the accuracy of all calculations and data presented.

The format of the Acreage Breakdown Table may be established administratively by the Township and may be updated from time to time without amendment to this Resolution.

E. Final Development Plan Required

Following approval of a Preliminary Development Plan, a Final Development Plan shall be submitted for review and approval prior to the issuance of zoning certificates, permits, or other approvals, except as otherwise authorized by this Article.

The Final Development Plan shall substantially conform to the approved Preliminary Development Plan and shall incorporate all conditions of approval imposed as part of the zoning map amendment or Preliminary Development Plan approval.

All Final Development Plans shall include detailed engineering, site design, and landscape documentation prepared and, where required by law, sealed by the appropriate licensed professionals.

F. Content of Final Development Plan

The Final Development Plan shall include sufficient detail to demonstrate compliance with the approved Preliminary Development Plan and this Article, including finalized lot layouts, open space preservation methods, buffering and landscaping, infrastructure provisions, and phasing where applicable.

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Commented [TC17]: Provides some Accountability and isn't as loose.

The Final Development Plan shall demonstrate full compliance with the approved Preliminary Development Plan and all conditions of approval, including detailed design of open space, buffering, infrastructure, and phasing.

Supporting documents, including deed restrictions, easements, covenants, or maintenance agreements related to the development, may be required where necessary to implement the approved plan.

G. Consistency and Revisions

The Final Development Plan shall be consistent with the approved Preliminary Development Plan. Modifications or adjustments that materially alter density, intensity, land use distribution, open space, phasing, or other key elements shall be reviewed in accordance with the amendment procedures of this Article.

Minor adjustments that do not materially alter the approved development may be approved administratively where authorized by this Article.

Any discrepancies between submitted materials shall be resolved prior to approval, and the applicant shall bear the responsibility for ensuring consistency across all plans and supporting documentation.

H. Incomplete Applications

Applications that do not contain the information required by this section shall be deemed incomplete and shall not be scheduled for public hearing or consideration until all required materials have been submitted.

The Township may require additional information or clarification where submitted materials are insufficient to evaluate compliance with this Article.

I. Effect of Approval

Approval of a Preliminary or Final Development Plan shall apply only to the specific development approved and shall not establish a precedent for other developments or properties.

50.14 Review and Approval Procedures

A. Purpose and Intent

The purpose of this section is to establish the review and approval procedures for applications involving a Coordinated Development District in a manner that ensures coordinated review, public participation, and clear decision-making authority, while maintaining flexibility appropriate to the nature of coordinated development.

B. Application and Review Authority

Applications for zoning map amendment to a Coordinated Development District shall be reviewed and acted upon in accordance with the procedures applicable to zoning map amendments, except as modified by this Article.

Review and approval of a CDD application shall include consideration of the Preliminary Development Plan and all supporting materials required by this Article.

Prior to submission of a CDD application, the applicant is encouraged to conduct an informational meeting with nearby property owners to present the proposed development concept and receive community feedback.

The Township also encourages pre-application meetings with staff to review development concepts, identify potential issues, and provide preliminary feedback prior to formal application.

C. Staff Review

Upon submission of a complete application, Township staff shall review the proposed Coordinated Development District for consistency with this Article, the Batavia Township Growth Policy Plan, and other applicable Township regulations.

Staff may coordinate review with applicable local, county, regional, or state agencies having jurisdiction over specific aspects of the proposed development.

Staff shall prepare a written analysis or staff report summarizing the proposal, identifying key considerations, and providing recommendations for consideration by the Zoning Commission and the Board of Trustees.

D. Zoning Commission Review and Recommendation

The Zoning Commission shall conduct at least one public hearing on the proposed Coordinated Development District and associated Preliminary Development Plan in accordance with applicable notice requirements.

Following the public hearing, the Zoning Commission shall review the application and forward a recommendation to the Board of Trustees to approve, approve with conditions, or deny the application.

The recommendation of the Zoning Commission shall be advisory in nature and shall include consideration of the findings required by this Article.

E. Board of Trustees Review and Action

Following receipt of the Zoning Commission recommendation, the Board of Trustees shall conduct at least one public hearing on the proposed to review the proposed Coordinated Development District and Preliminary Development Plan.

The Board of Trustees may approve, approve with conditions, or deny the application based on the standards and findings set forth in this Article and other applicable Township regulations.

Approval by the Board of Trustees shall constitute approval of the zoning map amendment and the Preliminary Development Plan, subject to any conditions imposed.

F. Conditions of Approval

The Board of Trustees may impose reasonable conditions of approval necessary to ensure compliance with this Article, mitigate development impacts, and implement the approved Preliminary Development Plan.

Conditions of approval shall be clearly stated, shall be binding upon the applicant and any successors in interest, and shall be incorporated into the approved Preliminary Development Plan.

Conditions of approval may specify whether certain future changes shall be treated as minor or major modifications pursuant to Section 50.15.

G. Final Development Plan Approval

Following approval of a Preliminary Development Plan, a Final Development Plan shall be submitted for review and approval in accordance with this Article.

Approval of a Final Development Plan shall be an administrative action only where the Final Development Plan is determined to be consistent with the approved Preliminary Development Plan and does not constitute a major modification as defined in Section 50.15.

Any Final Development Plan that includes changes determined to constitute a major modification shall be reviewed and approved in accordance with the procedures applicable to such modifications as set forth in Section 50.15.

The Final Development Plan shall conform to the approved Preliminary Development Plan and all conditions of approval.

H. Effect of Approval

Approval of a Coordinated Development District and associated Preliminary Development Plan shall apply only to the specific property and development approved and shall not establish a precedent for other properties or developments.

I. Failure to Obtain Final Approval

Failure to obtain approval of a Final Development Plan in accordance with this Article shall render the Preliminary Development Plan approval void unless an extension is granted by the Township.

50.15 Amendments to Approved Coordinated Development Districts

A. Purpose and Intent

The purpose of this section is to establish procedures and standards for amendments to an approved Coordinated Development District and associated development plans, while ensuring that approved development characteristics, conditions, and public commitments are maintained.

Amendments are intended to provide flexibility for reasonable adjustments while preventing substantive changes that would alter the nature, intensity, or impacts of the approved development without appropriate public review.

B. Applicability

Any change to an approved Coordinated Development District, Preliminary Development Plan, Final Development Plan, or conditions of approval shall be classified as either a minor modification or a major modification in accordance with this section.

No amendment shall be effective unless reviewed and approved in accordance with the procedures set forth herein.

C. Minor Modifications

Minor modifications are changes that do not materially alter the approved development or its impacts and may be approved administratively.

Minor modifications may include, but are not limited to:

1. Minor adjustments to lot lines, building placement, or internal circulation that do not increase density, intensity, or development area;
2. Minor changes to building design, architectural elements, or façade treatments that remain consistent with the approved plan;
3. Adjustments to landscaping, buffering, or open space configuration that do not reduce the total required open space or diminish its functionality;
4. Minor modifications to phasing schedules that do not affect the timing or provision of required infrastructure, open space, or amenities;
5. Corrections to dimensional data, calculations, or plan details where no substantive change results; and
6. Other similar changes determined by the Township to be consistent with the approved development and the intent of this Article.

Approval of a minor modification shall be an administrative action.

D. Major Modifications

Major modifications are changes that materially alter the approved development, its impacts, or the basis for approval and shall require public review and approval.

Major modifications include, but are not limited to:

1. Increases in residential density or nonresidential intensity;
2. Changes to the type or mix of approved land uses;
3. Reductions in required open space or changes that significantly alter the function or character of approved open space;
4. Modifications that materially alter buffering, access points, or circulation patterns affecting surrounding properties or public infrastructure;
5. Substantial changes to the approved phasing plan that defer or eliminate required improvements, open space, or amenities;
6. Modifications that conflict with conditions of approval imposed by the Board of Trustees; or
7. Any other change determined by the Township to materially alter the approved development or its impacts.

Major modifications shall be processed in the same manner as the original Coordinated Development District approval, including public hearings by the Zoning Commission and action by the Board of Trustees.

E. Determination of Modification Type

The Township Zoning Administrator shall determine whether a proposed amendment constitutes a minor or major modification based on the standards of this section.

In cases of uncertainty, the proposed amendment shall be treated as a major modification.

F. Effect of Approval

Approval of a modification shall apply only to the specific change approved and shall not be construed to modify or invalidate any other aspect of the approved Coordinated Development District or development plans.

G. Cumulative Changes

The Township may consider the cumulative effect of multiple minor modifications when determining whether a proposed amendment should be treated as a major modification.

A series of minor modifications that collectively result in a material change to the approved development shall be subject to review as a major modification.

H. Record of Amendments

All approved modifications shall be documented and maintained as part of the official record for the Coordinated Development District.

50.16 Administration, Enforcement, and Vesting

A. Administration

The administration of approved Coordinated Development Districts (CDD) shall be the responsibility of the Township in accordance with this Article and other applicable provisions of the Batavia Township Zoning Resolution.

Township staff is authorized to review development plans, issue zoning certificates, and administer approved Coordinated Development Districts for consistency with the approved plans, conditions of approval, and applicable Township regulations.

B. Binding Effect of Approval

Approval of a Coordinated Development District, Preliminary Development Plan, Final Development Plan, or any approved amendment shall be binding upon the applicant and all successors in interest to the property.

All development within a Coordinated Development District shall be carried out in strict accordance with the approved development plans and conditions of approval.

C. Enforcement

Any development, construction, or use conducted in violation of an approved Coordinated Development District, development plan, or condition of approval shall constitute a violation of this Resolution and shall be subject to enforcement action in accordance with applicable Township enforcement procedures.

The Township may withhold permits, issue stop-work orders, revoke approvals, or pursue other lawful remedies to enforce compliance with approved Coordinated Development Districts.

D. Lapse of Approval

1. Approval of a Preliminary Development Plan shall lapse if a Final Development Plan is not submitted and approved within eighteen (18) months of the date of approval of the Preliminary Development Plan, unless an extension is granted by the Board of Trustees.
2. Approval of a Final Development Plan shall lapse if development has not commenced within five (5) years of the date of Final Development Plan approval, unless an extension is granted by the Board of Trustees.
 - i. For purposes of this section, “commenced” shall mean the initiation of construction or site improvements authorized by the approved Final Development Plan and required zoning certificates and permits.
3. The Board of Trustees may grant extensions upon written request submitted prior to expiration, where the applicant demonstrates good cause and continued consistency with the approved development plan and applicable Township regulations.

E. Vesting of Rights

Vesting of development rights within a Coordinated Development District shall occur only upon approval of a Final Development Plan and commencement of development in substantial reliance on that approval, in accordance with applicable Ohio law.

Vested rights shall apply only to the specific development approved and shall not extend to unapproved phases, uses, densities, or modifications.

F. Effect of Amendments and Code Changes

Approved Coordinated Development Districts and Final Development Plans shall remain subject to future amendments to the Batavia Township Zoning Resolution, except to the extent that vested rights have been established pursuant to subsection (E).

Nothing in this Article shall be construed to exempt a development from compliance with applicable building codes, subdivision regulations, or other non-zoning requirements.

G. Severability

If any section, subsection, clause, or provision of this Article is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.

H. Extension, Lapse, and Incomplete Development

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1. Extension Request Procedure

Requests for extension of a Preliminary Development Plan approval or Final Development Plan approval shall be submitted in writing to the Township prior to the applicable expiration date established in subsection (D). The request shall state the length of extension requested and the basis for the request.

2. Authority for Extensions

Extensions may be granted only by action of the Batavia Township Board of Trustees. No administrative official, employee, or designee is authorized to grant extensions of time under this Article.

3. Standards for Granting Extensions

In acting on an extension request, the Board of Trustees may approve, approve with conditions, or deny the request based on the record before it. The Board of Trustees may consider, at a minimum, the following factors:

- a. Progress toward implementation of the approved development plan;
- b. Whether conditions of approval remain capable of being satisfied;
- c. Changes in site conditions or surrounding development;
- d. Changes in applicable Township, county, state, or federal regulations;
- e. Infrastructure capacity and service availability; and
- f. Whether the request reflects good faith progress and good cause.

4. Scenario 1 – Zoning Map Amendment and Preliminary Development Plan Approved; No Final Development Plan Submitted
Where a zoning map amendment to a CDD and a Preliminary Development Plan have been approved but the applicant does not submit and obtain approval of a Final Development Plan within the time period required by subsection (D), the Preliminary Development Plan approval shall lapse without further action, unless an extension is granted.

Upon lapse, no construction or development activity shall be permitted, and any future development shall require a new CDD application and Preliminary Development Plan approval in accordance with this Article.

5. Scenario 2 – Final Development Plan Approved; No Commencement of Development
Where a Final Development Plan has been approved but development has not commenced within the time period required by subsection (D), the Final Development Plan approval shall lapse without further action, unless an extension is granted.

In considering an extension request under this subsection, the Board of Trustees may consider the level of demonstrated investment in plan preparation, permitting, and engineering; however, approval of a Final Development Plan shall not, by itself, guarantee an extension.

Upon lapse, no construction or development activity shall be permitted, and any future development shall require a new Final Development Plan application and approval in accordance with this Article.

6. Scenario 3 – Partial Development; Remaining Phases Not Completed
Where development has commenced and one or more phases have been completed or partially completed, but subsequent phases are not initiated within the time periods established in the approved phasing plan or within a reasonable period as determined during plan review, the Township may:

- a. Restrict or withhold approvals for subsequent phases that have not yet received Final Development Plan approval until outstanding obligations for completed phases are satisfied;
- b. Require updated engineering plans, infrastructure capacity analysis, or agency coordination necessary to ensure continued compliance with the approved Final Development Plan;

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- c. Require modification of the phasing plan in accordance with Section 50.15; and
- d. Require the applicant to demonstrate that remaining phases remain consistent with the approved development plan and applicable Township regulations, unless vested rights have been established pursuant to this Article;

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For purposes of this section, “initiated” shall mean submission of a complete Final Development Plan application, commencement of required infrastructure construction, or other substantial steps toward development as determined by the Township.

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For the purpose of this section, “Reasonable period” shall be interpreted in relation to the approved phasing plan and market conditions and shall generally not be less than the timeframe established in the approved phasing schedule unless otherwise determined by the Township.

Nothing in this subsection shall be construed to invalidate legally established lots or completed phases that were developed in compliance with the approved Final Development Plan.

7. Effect of Lapse or Incomplete Development

Lapse of a Preliminary Development Plan or Final Development Plan approval shall not relieve the applicant or successors in interest from compliance with any obligations, conditions, or improvements required and completed as part of any constructed phase or approved action.

50.17 Required Charges

The applicant shall be responsible for the expenses incurred by the Township in reviewing the CDD application, development plans, or any modifications to the development plans. Such expenses may include including, but not limited to, the cost of professional and review services, including expenses and legal fees in connection with reviewing the plan and preparing reports, the publication and mailing of public notice in connection therewith, and any other reasonable expenses directly attributable thereto.

At the time of submitting each CDD application, Preliminary and Final, to the Zoning Administrator, the Zoning Administrator may require the applicant to make a deposit with the Township in an amount equal to the estimated cost of the Township’s expense, or as

specified on the application forms. When this deposit has been depleted to a remaining balance of thirty-three (33%), another deposit will be requested.

Failure to pay the above costs and fees within thirty days of invoice will stop all processing of the CDD District application.

The Zoning Administrator shall not approve a Final Development Plan or authorize the issuance of zoning certificates, permits, or record plat approval until all fees, bonds, or other obligations have been paid by the applicant.