

## **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 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.

#### **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.

## **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 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.

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 Coordinated Development District shall be accomplished through a zoning map amendment in accordance with the procedures set forth in this Resolution.

### **B. 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 unified legal or beneficial control at the time of application. 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**

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.

## **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.

### **C. 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.

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 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.

#### **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.

## **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 adopted 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.

## **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 one or more 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.

The creation of residential lots that are consistent with the configuration of adjacent, abutting residential lots is encouraged to provide a transition between differing residential lot sizes. When designing site development plans which will about existing residential development, the lot size for the proposed lots which are directly adjacent to the existing residential lots shall be at a minimum the same area as the minimum lot size required of the existing adjacent residential use, or 20,000 square feet, whichever is less.

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

### **3. Coordination of Infrastructure and Public Services**

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 required permits or 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. Agency Review**

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 objective 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.

#### **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.

### **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 the character 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.

### **C. Demonstration of Appropriate Density and Intensity**

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

1. Is consistent with the Growth Policy Plan and appropriate for the specific site;
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.

### **D. Residential Density**

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.

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.

#### **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 Township may require open space in excess of the minimum required where necessary to mitigate development impacts, preserve natural or agricultural features, provide active recreational amenities, or offset increased density or intensity approved pursuant to this Article.

### **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 expressly approved by the Township as part of the adopted Preliminary Development Plan:

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.

### **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.

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.

### **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.

Where the proposed residential density exceeds the existing zoning district, the Township may require the provision of active open space amenities proportionate to the scale and intensity of the development.

## **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.

1. A landscaped buffer shall be provided along all external road frontages and shall include:

- a. A minimum four-foot (4') planted berm, where feasible; and
  - b. Trees and shrubs arranged to soften views of development and reinforce Township character.
2. Required buffering shall be designed to:
  - a. Visually separate development from the roadway;
  - b. Prevent development from appearing to begin immediately at the road; and
  - c. Create a clear sense of arrival and entry.
3. Entry features, including monument signs and associated landscaping, shall be coordinated with buffer design and located outside required sight-distance areas.

## **G. 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.

## **H. 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.

## **I. 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.

## **J. 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.

#### **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.

### **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.

### **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.

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. Conceptual buffering, landscaping, and roadway edge treatments along external boundaries;
8. 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.

#### **D. Acreage Breakdown Table**

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. Total gross site area;
2. Area by phase, where development is proposed in phases;
3. Land area devoted to residential development, nonresidential development, open space, rights-of-way, and other significant land uses;
4. Total open space acreage, including a breakdown of active and passive open space;
5. Areas excluded from open space calculations;
6. Residential development data, including number of dwelling units, lot sizes, lot widths at the building line, and applicable setbacks;
7. Gross and net residential density calculations;
8. Impervious surface area and impervious surface ratio, where applicable;
9. Areas containing significant environmental features, including steep slopes and natural resource areas; and
10. Ownership and long-term maintenance responsibility for required open space.

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.

#### **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.

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.

#### **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.

#### **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.

### **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 review 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**

Approval of a Preliminary Development Plan shall lapse if a Final Development Plan is not submitted and approved within a period of time established by the Board of Trustees at the time of approval, unless an extension is granted.

Approval of a Final Development Plan shall lapse if development does not commence within the timeframe specified by the Township or if development is discontinued for a continuous period of time exceeding that specified period, unless an extension is granted.

### **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.

### **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 items such as 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 thereon.

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 Clerk in the 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 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 by signing the required record plat until all fees, bonds or other obligations have been paid by the applicant.