

HIDDEN OAKS

ORANGE TWP. ZONING
REAPPROVED
09.26.2025

Single Family Planned Residential District (SFPRD)

Development Plan And Zoning Submittal

Orange Township, Delaware County, Ohio
October 2025



TABLE OF CONTENTS

1. Rezoning Application
2. Development Text
3. Development Plan
 - a. Title Sheet
 - b. Grading and Utility Plan
 - c. Landscape Plan
4. Architectural Guidelines
5. Legal Description
6. Survey
7. Traffic Analysis
8. Letter – Delaware County Engineer Feasibility
9. Letters – Utilities
 - a. Delaware County Sanitary Sewer
 - b. DelCo Water
 - c. AEP
 - d. Suburban Natural Gas
10. Sample HOA Documents



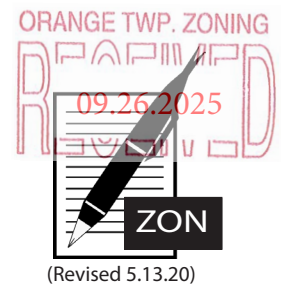
Orange Township Zoning Dept.

Phone: (740) 548-5430

Fax: (740) 548-7537

Rezoning Application

Page 1 of 6



Property Information

Site Address:

Parcel ID(s):

Total Acreage:

Subdivision:

Lot #:

Property Description

Acres to be rezoned:

Current Land Use:

Surrounding Land Uses:

North

South

East:

West

Rezoning Request

Current Zoning District:

Proposed Zoning District:

Proposed Land Use:

Request:

Decision Dates

Staff Technical Review:

Delaware County Regional Planning Commission (DCRPC):

Zoning Commission:

Board of Trustees:

Staff Use Only

ZON #

Date Filed:

Fee Paid:

Payment:

Received By:

Hearings

Decision

Tech Review:

DCRPC Date:

ZC:

BOT:

Checklist

- ☐ Fee Payment (check or money order only)
- ☐ Completed Application
- ☐ Notarized Signatures
- ☐ Available Utilities (see page 4)
- ☐ Development text (see page 4)
- ☐ Development Map (see page 5)
- ☐ Legal Description & Survey (see page 5)

Water & Wastewater

Water Supply

- ☐ Public (Central)
- ☐ Private (On-site)
- ☐ Other

Wastewater Treatment

- ☐ Public (Central)
- ☐ Private (On-site)
- ☐ Other

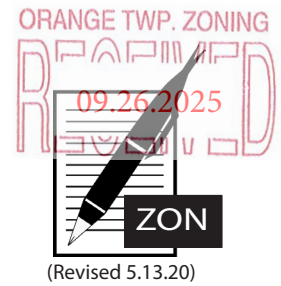
Submittal Options

Drop off: 1680 E Orange Road
Lewis Center, OH 43035
Mail in: 1680 E Orange Road
Lewis Center, OH 43035



Rezoning Application

Page 2 of 6



Applicant Information

☐ Same as applicant

Name:

☐ Individual ☐ Corporation (If so State:) ☐ Other

Address:

Phone #

Fax#

Email:

Owner Authorization attached: ☐ Yes ☐ No

Agent Information

☐ Same as applicant

Name:

☐ Individual ☐ Corporation (If so State:) ☐ Other

Address:

Phone #

Fax#

Email:

Owner Authorization attached: ☐ Yes ☐ No

Property Owner Information

☐ Same as applicant

Name:

☐ Individual ☐ Corporation (If so State:) ☐ Other

Address:

Phone #

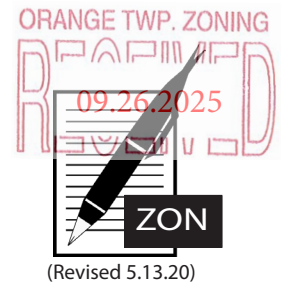
Fax#

Email:



Rezoning Application

Page 3 of 6



Affidavit

I hereby certify that the facts, statements, and information presented within this application form and any subsequent documents attached hereto are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the Township. I hereby certify that I have read and fully understand all the information required in this application form and all applicable requirements of the Orange Township Zoning Resolution.

Applicant/Authorized Agent Affidavit

I, _____ (Print Name), hereby certify that all information provided is true and accurate. I agree to be bound by all provisions of the Orange Township Zoning Resolution.

Individual Applicant's/Agent's Signature

Date

Individual subscribed and sworn in my presence this _____ day of _____, 20____.

Notary Public

Non-Individual Applicant's/Agent's Signature

Date

Non-Individual subscribed and sworn in my presence this _____ day of _____, 20____ both personally and on behalf of _____.

Notary Public

Property Owner's Signature

I, _____ (Print Name), hereby authorize the applicant/agent listed above to file this application on my behalf and agree to amendment of the same as they deem appropriate.

Individual Property Owner's Signature

Date

Individual subscribed and sworn in my presence this _____ day of _____, 20____.

Notary Public

Non-Individual Property Owner's Signature

Date

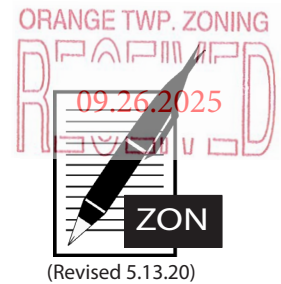
Non-Individual subscribed and sworn in my presence this _____ day of _____, 20____ both personally and on behalf of _____.

Notary Public



Rezoning Application

Page 4 of 6



Rezoning/Text Amendment Application Requirements

Any applicant who requests a zoning change is solely responsible for filing all materials required by the application in their entirety. Please consult with the Zoning Department to obtain a copy of pertinent development standards prior to filing a rezoning request. An incomplete application will not be placed on an agenda until it is determined to be complete, having all relevant issues and zoning regulations addressed in plan and/or text form.

- At the time of filing, applicant must submit the following:
 - ☐ Completed application form
 - ☐ Ten (10) copies of all maps/plans (24" X 36" maximum)
 - ☐ Ten (10) reduced-scale copies of all maps/plans (11" X 17")
 - ☐ Ten (10) copies of development text and supplemental information
 - ☐ Digital Copy (pdf format) of all materials noted above
 - ☐ Fee (see current fee schedule)
- Basic Content of Development Text
 - ☐ Development Plan text (appropriate font & margins, cover page, table of contents, individual page #s and author)
 - ☐ Name of development
 - ☐ Most recent Zoning Resolution text (applicable articles) used as a presentation template (with Disclaimer)
 - ☐ Date of text and all subsequent revisions
 - ☐ Text shall address all standards in the respective zoning district
 - ☐ Detailed overview of the project
 - ☐ Legal description of the property. Current property survey to include acreage, all bearings and distances, and referencing an established beginning point.
 - ☐ Location/Area map. Base maps to scale (example: 1"= 100') are required. You can obtain this information and print a copy of the map on <http://www.delco-gis.org/auditor/>
 - ☐ All information that pertains to water, sanitary sewer, gas, electric and telecommunications must be provided. If services are to be provided by a private or public entity, a letter must be provided verifying that the services exist and that the applicant will have access to such services. If an on-lot septic system and/or well are proposed, information from the Delaware General Health District (or appropriate agency) must be provided.
 - ☐ Permitted, conditional and prohibited uses
 - ☐ Development plan procedure
 - ☐ Development standards
 - ☐ Gross Density/Lot Coverage
 - ☐ Phasing plans (if applicable)
 - ☐ Site development and easement agreements
 - ☐ List of divergences from Zoning Resolution provisions (if any) being requested (list code sections)
 - ☐ Any additional information or exhibits deemed necessary for proper consideration of the application by the Zoning Department, Zoning Commission and Board of Township Trustees

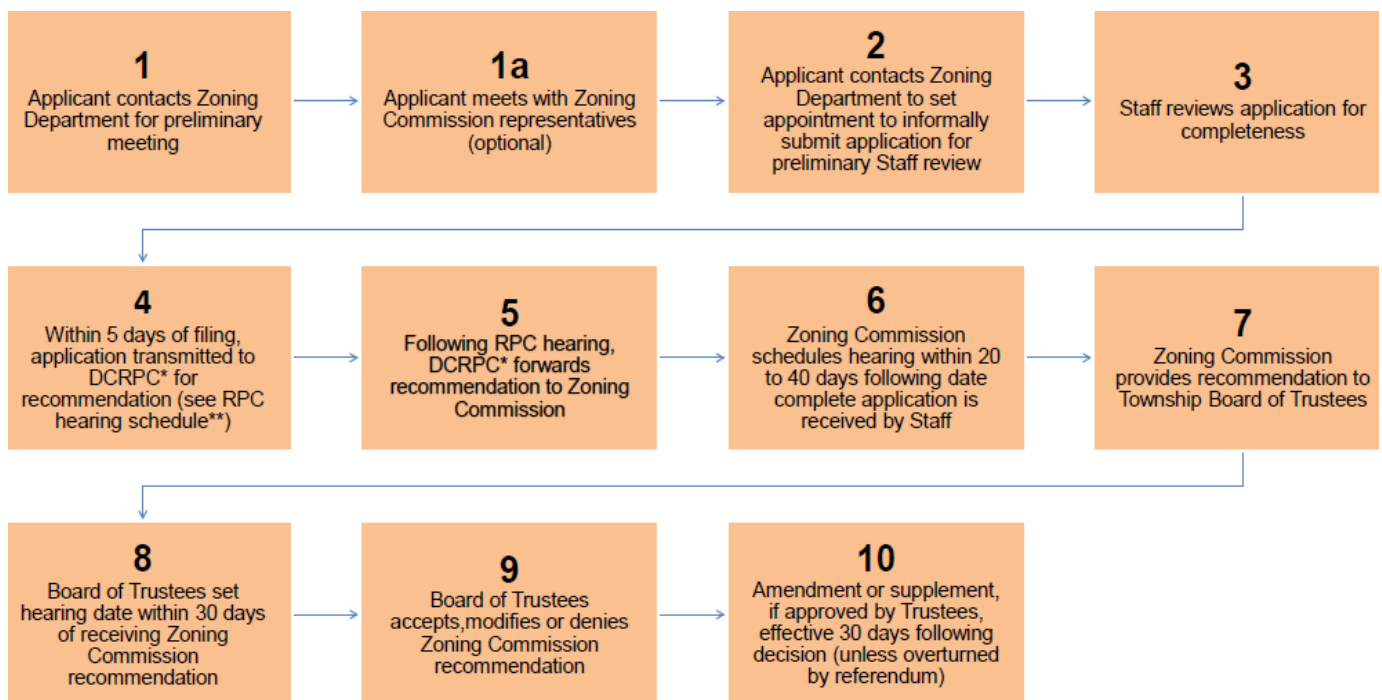
Rezoning/Text Amendment Application Requirements Cont.

- Maps, Plans and Exhibits
 - ☐ Names of the applicant, architect, engineer and contractor with the respective addresses and phone numbers.
 - ☐ Street address of the subject property, the exact distance and direction to the nearest street intersection, and any other landmarks that would assist in locating and identifying the property.
 - ☐ Current zoning and use of each adjacent property.
 - ☐ North arrow on site plan(s).
 - ☐ Scale of drawing. Please use a suitable standard scale (i.e. 1"=100')
 - ☐ Dimensions, bearings and location of:
 - ☐ Property lines on all sides
 - ☐ All perimeter setback lines (front, rear, side, building and parking) and building separation (if applicable)
 - ☐ Existing and proposed building/s with size and height
 - ☐ Dumpster location/s
 - ☐ Proposed curb cuts, access drives and sidewalk locations (if any)
 - ☐ Existing sidewalks, curbs, alleys, streets, and service or frontage roads
 - ☐ Open space areas (no build/no disturb zones)
 - ☐ Lot size/s with acreage amount shown
 - ☐ Landscaping (plant species & quantities, planting details)
 - ☐ Lighting (photometrics, cut sheets)
 - ☐ Parking (space calculations required vs. proposed, parking stall dimensions)
 - ☐ Signage, including all details (in color)
 - ☐ Pedestrian/bikeway trails & easements
 - ☐ Parcel and building area in square feet
 - ☐ Density and lot coverage (gross & net)
 - ☐ Dimensions and location of existing and proposed parking and loading facilities, including but not limited to aisles, driveways, parking and loading stalls, entrances, exits, median strips, traffic islands, lighting, screening, fences, landscaping, greenbelts and signage.
 - ☐ Existing and proposed traffic circulation pattern.
 - ☐ Contour lines, soil types, and existing and proposed drainage facilities comprising the subject property.
 - ☐ Dimensions and location of existing and proposed sanitary wastewater system/s, water supply system/s and other utilities.
 - ☐ A letter approving on-site system/s is required from Delaware County General Health District
 - ☐ Phasing plans (if applicable)
 - ☐ Site development and easement agreements
 - ☐ Building Elevations (in color)
 - ☐ Architectural standards and exhibits including color chart and building materials
 - ☐ Any additional information or exhibits deemed necessary for proper consideration of the application.

Rezoning/Text Amendment Application Requirements Cont.

- Supplemental Information
 - ☐ Copy of Deed and/or Covenants
 - ☐ Zoning exhibit (legal description and survey)
 - ☐ Engineering feasibility (i.e traffic impact study, stormwater management)
 - ☐ Any additional correspondence from appropriate federal, state and local agencies.

Application Procedure



*Delaware County Regional Planning Commission (DCRPC)

** [DCRPC Calendar](#)

ZONING AND DEVELOPMENT TEXT
For
HIDDEN COVE

Application for Single Family Planned Residential District (SFPRD)
October 26, 2025

Property Information

Address: 6890 South Old State Road, Lewis Center, OH 43035

Parcel Number: 318-240-01-018-000 and 318-240-01-019-000

Total Acreage: 8.34 Acres

Applicant/Owner/Developer

6890 SOS LLC

15 N. Liberty Street

Powell, OH 43065

Phone: 614-323-7800

Email: john.wicks@rpddllc.com

Designer/Engineer

Real Property Design and Development, LLC

15 N. Liberty Street

Powell, OH 43065

Attention: John C. Wicks

Phone: 614-323-7800

Email: john.wicks@rpddllc.com

DISCLAIMER: The restatement or summarizing of the text of the currently effective Orange Township Zoning Resolution (Effective July 21, 2022) is presented in this application for format and informational purposes only. No change or modification of that text is intended or will occur as a result of the consideration or approval of this application. Bolded text following that zoning text indicates a response, explanation, clarification, divergence, or additional restriction, etc. related to that code provision. Unless specifically contradicted or modified herein, the provisions of the Zoning Resolution shall control this development.

ARTICLE X - SINGLE FAMILY PLANNED RESIDENTIAL DISTRICTS (SFPRD)

SECTION 10.01 - PURPOSE: The township, recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural features, historic preservation, contemporary land use concepts, and a balanced residential environment, hereby provides for the creation of such number of individual Single Family Planned Residential Districts in accordance with R.C. §519.12 as may be approved, each considered a separate and unique zoning district created by the township under R.C. §519.021(B) to promote the variety and flexibility of land development for single family residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Orange Township.

SECTION 10.02 - APPLICATION: The owner of any parcel within the township, regardless of the size, may submit an application for change in the zoning under the provisions of this Article of the Zoning Resolution.

SECTION 10.03 - PERMITTED USES: Within a Single Family Planned Residential District (SFPRD) the following uses, developed in strict compliance with the approved development plan and standards, may be permitted if approved in the development plan. The precise use(s) or type of use(s) of the tract shall be specified in the plan as submitted and approved.

- a) Single family dwelling.

The proposed project shall comply with this section.

This project includes 24 single-family fee-simple residential lots on 8.34 acres (2.88 units/gross acre).

- b) Accessory buildings and accessory uses incidental to the principal building or use.

The proposed project shall comply with this section.

- c) Single family cluster housing. For purposes of this section, "cluster housing" shall mean a residential development wherein the overall density is consistent with that provided in Section 10.07 a) for a Single Family Planned Residential District but modifications are permitted in lot size and shape to concentrate residential development in a portion of the overall tract, thereby maintaining the remainder of the tract as a permanent, common, open space. Cluster housing does not permit any increase in the permitted density of a Single Family Planned Residential District.
- d) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Single Family Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

The proposed project shall comply with this section.

No non-residential uses are proposed with the project.

- e) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding of reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply. The fees for such permit and renewals thereof shall be established by the Orange Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential or sales use.

The proposed project shall comply with this section.

- f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

The proposed project shall comply with this section.

- g) Golf course community that includes a public or private golf course with all buildings and club houses incident thereto, integrated with residential uses permitted by this Section 10.03 and/or multi-family residential structures as described in Section 11.03 a). The golf course shall be subsidiary to the primary residential use of the property.

The proposed project shall comply with this section.

The proposed project does not include a golf course community.

SECTION 10.04 - CONDITIONAL USES: Within a Single Family Planned Residential District (SFPRD) the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two (2) years. Unless the Conditional Use Permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted shall void the Conditional Use Permit and the subsequent owner(s) or his agent shall be required to re-apply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a zoning Certificate of Compliance is issued by the zoning inspector. *The proposed project shall comply with each of the following provisions of this section.*

- a) **Home Occupations** conducted by the resident of a permitted dwelling subject to the following restrictions:
 - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
 - 2) Only one (1) sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
 - 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the combined floor space in any garage or accessory building.
 - 4) No more than one (1) non-resident employee shall work on said premises.
 - 5) Services may be rendered on the premises or elsewhere.
 - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).

- 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
 - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) **Model Homes**, the same being defined as residential-type structures used as sales offices by a builder/developer and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home, and may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:
- 1) Hours of operation: All model homes shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No model home shall be open on Sunday before 12:00 noon.
 - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home, except that which is in character with those found on surrounding homes.
 - 3) Parking: All model homes shall provide off- street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) of the required parking spaces.
 - 4) Screening and Trash Receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential

lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.

- 5) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when zoning certificates of compliance have been issued for ninety percent (90%) of the lots therein.
- c) **Rental Complex Offices** - One (1) rental office shall be allowed within a rental complex. The office may be the rental manager's dwelling. Rental complex offices shall be subject to the following restrictions:
- 1) Hours of operation: All rental complex offices shall close prior to 9:00 p.m. during the spring, summer and fall seasons, and prior to 8:00 p.m. during the winter season. No rental complex office shall be open on Sunday before 12:00 noon.
 - 2) Lighting: All exterior lighting must be "downlighting", so that absolutely no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the rental complex office, except that which is in character with those found on surrounding homes.
 - 3) Parking: All rental complex offices shall provide off-street paved parking for the public. An area contiguous to the structure within which the rental complex office is located shall be utilized for the off-street paved parking lot for public use. The number of required parking spaces shall be six (6) per rental complex office. Such parking spaces shall be in addition to those otherwise required in Article XXI.
 - 4) Trash Receptacles: Trash receptacles shall be provided around the rental complex office for use by the public.
- d) **Borrow Pit**, unless included as a designed wet pond or dry basin in the approved development plan and standards. Otherwise, a borrow pit may be permitted subject to the conditions and restrictions imposed by the Board of Zoning Appeals, provided that it is less than 10,000 square feet in size, in accordance with the following regulations, and provided that such excavation and required rehabilitation shall be completed within one (1) year from the date of issuance of a Certificate of Zoning Compliance.
- 1) The applicant shall clearly state, in the application, their intentions as to rehabilitation of the excavation.
 - 2) No excavation shall be made from the banks or beds of the Olentangy River, or Alum Creek or any other such stream or waterway designated as necessary to the Flood Control Program of Delaware County and no excavation shall

be permitted closer than two hundred (200) feet of either bank of the above named rivers and creeks.

- 3) Yard Requirements. An excavation shall be located one hundred (100) feet or more and back-filled to one hundred and fifty (150) feet from a street right-of-way line. Excavation shall be no closer than fifty (50) feet to a property boundary line, except with the written consent of said adjacent property owner.
- 4) No plants or equipment for processing of extracted materials or other ancillary operations shall be permitted.
- 5) Rehabilitation Plan - Extraction shall be permitted only from areas for which there is a Rehabilitation Plan approved by the Board of Zoning Appeals. All such Rehabilitation Plans shall include the following:
 - a. A grading plan showing existing contours in the area to be extracted and proposed future contours showing the topography of the area after completion. Such plans shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.
 - b. Existing and proposed drainage of the area.
 - c. Details of regrading and revegetation of the site during and at conclusion of the operation.
 - d. The banks of all extraction, when not back-filled, shall be sloped at a grade of not less than two (2) feet horizontal to one (1) foot vertical. This slope shall be maintained twenty (20) feet beyond the water line if such exists.
 - e. Spoil banks shall be graded to a level suiting the existing terrain.
 - f. All banks and extracted areas shall be surfaced with at least six (6) inches of suitable soil, except exposed rock surfaces, and shall be planted or seeded with trees, shrubs, legumes or grasses and maintained until the soil is stabilized.
 - g. When any extraction has been completed, such area shall either be left as a permanent spring-fed lake or the floor thereof shall be filled and leveled in such manner as to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion, and shall otherwise comply with these requirements.
 - h. An area to be rehabilitated as a permanent spring-fed lake shall be in compliance with the requirements of Section 21.05 and the provisions of this section. In the event of a conflict between the provisions of

Section 21.05 and the provisions of this section, the more restrictive provisions shall control.

- i.* An area to be rehabilitated by refilling and grading shall utilize only clean fill, and the use of scrapped wood, tree stumps or construction debris as fill material is prohibited.
- j.* All equipment shall be removed within seven (7) days of the completion of the extraction of materials.

SECTION 10.05 - PROHIBITED USES: Within a Single Family Planned Residential District the following uses shall be prohibited: *The proposed project shall comply with this section.*

- a)** Any use not specifically authorized by the express terms of the approved development plan and standards.
- b)** Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c)** No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within a Single Family Planned Residential District for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d)** No sales trailers of any type shall be permitted
- e)** No motor home, mobile home or camper of any type may be occupied for more than fourteen (14) consecutive days at a time.
- f)** Except as specifically permitted in Section 10.03(e) or in the approved development plan no mobile home shall be placed or occupied in a Single Family Planned Residential District.
- g)** No trash, debris, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public. All trash, debris, discarded materials, vehicle parts, rags, lumber, building materials, and other garbage, refuse or junk shall be contained in solid sided containers during construction phases and thereafter. No wire or cage-type containers shall be permitted, and no such materials shall be above the sides of the container.

h) Telecommunications tower, provided that the Orange Township Board of Trustees receives notice from a property owner under division b) 3) (a) (iii) of Section 6.03 of this Zoning Resolution, or that a board member makes an objection to the proposed location of the telecommunications tower under division b) 4) of Section 6.03.

i) The harboring, maintaining or keeping of a wild, dangerous or undomesticated animal.

For the purposes of this section, a "wild, dangerous or undomesticated animal" is defined as follows:

- 1) Is an animal whose natural habitat is the wilderness and which, when maintained in human society, is usually confined to a zoological park or exotic animal farm; or
- 2) Is a poisonous or venomous animal, insect or arachnid; or
- 3) Is an unrestrained animal which, by reason of its size, strength or appetite, could cause peril to children, adults, pets or domesticated animals, buildings, landscaping or personal property; or
- 4) Is an animal which makes noises with sufficient frequency and volume as to constitute a nuisance to persons in the vicinity of such animal; or
- 5) Is an animal which emits such offensive odors as to constitute a nuisance to persons in the vicinity of such animal; or
- 6) Is, by way of illustration and without limitation, one of the following: an ape; chimpanzee (Pan), gibbon (Hylobate), gorilla (Gorilla), orangutan (Pongo), siamang (Symphalangus), baboon (Papoi or Mandrillus); bear (Ursidae), bison (Bison), boar (Suidae), cheetah (Acinonyx Jubatus), crocodilian (Crocodilia), coyote (Canis Latrans), deer (Cervidae - includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose), elephant (Elephas or Loxondonta), gamecocks and other fighting birds, hippopotamus (Hippopotamidae), hyena (Hyeaenidae), jaguar (Panthera Onca), leopard (Panthera Pardus), lion (Panthera Leo), lynx (Lynx), ostrich (Struthio), pirahna fish (Characidae), puma (Felis Concolor - also known as cougar, mountain lion and panther), rhinoceros (Rhinocero Tidae), snow leopard (Panthera Uncia) and tiger (Panthera Tigris); or
- 7) Is an animal which is identified by either state or federal agencies as a member of an endangered species.

SECTION 10.06 - PROCEDURE: In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone property to a Single Family Planned Residential District (SFPRD) shall follow the procedures hereinafter set forth:

- a) **Application** - One or more of the owners or lessees of property within an area of contiguous property located within the township may request that the zoning map be amended to include such area in a Single Family Planned Residential District in accordance with the provisions of this Resolution.
- 1) The applicant is encouraged to engage in informal consultations with the Zoning Commission and The Delaware County Regional Planning Commission prior to formal submission of a development plan and request for an amendment to the zoning map, it being understood that no statement by officials of the township or county shall be binding upon either. *The Applicant has met with members of the zoning officer, and has met with or talked directly with DCRPC, the Delaware County Engineer, Delaware County Sewer Department, and DelCo Water.*
- b) **Development Plan** - Fifteen (15) copies of the development plan, together with one (1) electronic version on compact disk in Adobe (.pdf) format, or such other format as is acceptable to the zoning inspector, shall be submitted with the application, which plan shall include in the text and map form: *COMPLIES – see below*
- 1) The size and location of the property proposed to be rezoned to a Single Family Planned Residential District. *See Legal Description and Survey.*
 - 2) The general development character of the property proposed to be rezoned to a Single Family Planned Residential District, including the limitations or controls to be placed on residential and related uses, with probable lot sizes, minimum setback requirements and other development features including landscaping. *See Development Plan. This SFPRD shall be developed as a single-family residential development subject to the standards stated herein and denoted on the Development Plan.*
 - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures. *See Development Plan and Architectural Guidelines.*
 - 4) A lighting plan conforming to the requirements and standards of Section 21.12 of this zoning resolution. *No street lighting is proposed with this project.*
 - 5) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. *See Development Plan and Utility Service Letters.*
 - 6) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise. *See Development Plan and Traffic Analysis.*
 - 7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable. *The proposed project is surrounded by single family residences and neighborhoods.*

- 8) Location of schools, parks and other facility sites, if any. *See Development Plan.*
- 9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities. *The Developer intends to begin construction on the Proposed Project within two (2) years of zoning approval.*
- 10) If the proposed timetable for development includes developing the property proposed to be rezoned to a Single Family Planned Residential District in phases, all phases to be developed after the first shall be full described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases. Each phase, including the first, shall include a minimum of five (5) acres of property or the whole property, whichever is smaller. *The Developer intends to construct the Proposed Project in a single phase.*
- 11) The ability of the applicant or applicants to carry forth the development plan by control of the property proposed to be rezoned to a Single Family Planned Residential District and the engineering feasibility of the development plan. *The Developer is the owner of the property.*
- 12) Specific statements of divergence from the development standards in Article XXI, Article XXII and/or this Article, or existing county regulations or standards, and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with. *See Development Plan and Divergences listed at the end of this Zoning Text.*
- 13) Evidence of the applicant's ability to post a bond if the plan is approved, assuring completion of public service facilities to be constructed within the project by the developer. *Upon approval of the subdivision plat and engineering plans, a letter of credit or other financial surety will be delivered to Delaware County.*
- 14) A site plan at a scale not smaller than one inch (1") equals one hundred (100) feet. Such site plan shall clearly indicate: *See Development Plan.*
 - The net density and gross density of the proposed development.
 - The design concept of the location, shape, size, and height of existing and proposed buildings.
 - The existing and proposed landscape.
 - Parking areas.
 - Floor areas and elevations of typical units.

- Location and description of adjacent buildings within two hundred feet from the boundary of the proposed development.
- The location and amount and status of required open space.
- Such other material data as may be necessary to evaluate the health, safety and welfare and determine compliance with this Article X.

c) Criteria for Approval - In approving an application for a Single Family Planned Residential District the reviewing authorities shall consider:

- 1) Whether the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution. *Complies.*
- 2) Whether the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply. *The proposed project is consistent with the comprehensive land use plan and is surrounded by single family residential developments of similar lot sizes and densities.*
- 3) Whether the proposed development advances the general welfare of the township and the immediate vicinity. *The proposed project will provide new housing stock in an area with steady demand for new single family homes.*

Effect of Approval - The development plan as approved by the Orange Township Board of Trustees shall constitute an amendment to the Zoning Resolution as it applies to the property included in the approved amendment. Where the property is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan.

d) Plat Required - In a Single Family Planned Residential District, no use shall be established or changed, and no structure shall be constructed or altered until any required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and property reserved for non-highway service use with indication of the nature of such use.
- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the property, the

improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

- 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. However, in no event shall any zoning permit be issued for any building or use until such time as the facilities, including but not limited to water, sanitary sewer and surface drainage improvements, and public and private streets, for the phase in which the building or use is located are completed.
Following construction, a plat shall be recorded in accordance with Delaware County regulations.

SECTION 10.07 - DEVELOPMENT STANDARDS: The development standards for a property within a Single Family Planned Residential District shall be as per the approved development plan. Notwithstanding the foregoing, unless a divergence is granted in the approved development plan, the following standards for arrangement and development of lands and buildings, together with all other provisions of this Resolution, are required in a Single Family Planned Residential District.

- a) **Intensity of Use** - The maximum density shall be two (2) dwelling units per gross acre of area within the area to be developed. ***The Applicant is requesting a divergence to permit 2.88 dwelling units per gross acre. See list of Divergence Requests at the end of this zoning text.***
 - 1) Maximum Units on any Single Acre. Except in the case of multi-family areas of a golf course community under Section 10.09, the maximum number of dwelling units on any single acre shall not exceed three (3). ***The Applicant is requesting a divergence to permit more than three (3) dwellings on a single acre within Project. See list of Divergence Requests at the end of this zoning text.***
- b) **Open Space** - At least twenty percent (20%) of the total gross acreage of a Single Family Planned Residential District must be devoted to open space. Open space shall be designated upon the development plan as “Maintained Passive Open Space”, “Recreational Open Space” and “Unmaintained Passive Open Space” upon the basis of the definitions, purposes, requirements and conditions set forth in Section 4.01 of this Resolution, excepting that, notwithstanding anything contained in Section 4.01 to the contrary, public or private golf courses, with all buildings and club houses incident thereto, may be designated as “recreational open space” when integrated into a golf course community as permitted by this Article. Such open space shall be designed to provide active recreation, passive recreation, the preservation of natural site amenities or any combination thereof. Any buildings, structures and improvements to the open space must be appropriate to the uses which are authorized for the open space, having regard to its topography and unimproved condition. The open space shall be of a size, shape and location which is conducive to

use by residents of the property within the Single Family Planned Residential District. Public utility and similar easements, rights-of-way for streets and roads, and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication unless such land or right- of-way is usable as a trail or similar purpose and has been approved by the Zoning Commission. Storm water retention or detention facilities are acceptable for dedication as Maintained Passive Open Space, provided such facilities do not exceed ten percent (10%) of the total open space required.

The responsibility for the maintenance of all open spaces shall be specified by the developer in writing before approval of the development plan. The open space reserved in a Single Family Planned Residential District shall be dedicated to, and permanently owned by, a homeowners' association that shall have title to the land for the use of each owner who buys property within the development. Such open space shall be used only for the purposes for which it is designated upon the approved development plan, and in accordance with the approved development plan. The legal articles relating to the organization of the homeowners' association are subject to review and approval by the Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all common areas. Such legal articles shall be inserted into the chain of title of the land within the Single Family Planned Residential District. All open space shall be prohibited from or development. This shall be done by placement in a reserve and notation on the final plat or by other declaration or agreement in the chain of title to such property, the same to be in a form acceptable to the township attorney. ***Complies. The proposed project provides 22.7% open space. All open spaces are labeled appropriately on the development Plan. Maintenance of all open spaces shall be the responsibility of the Homeowners Association.***

A neighborhood park with tot lot and benches will be constructed at the west end of the Project. With permission from the Summerfield Village subdivision to the south, the Developer will connect the sidewalks from this Project to the path within its open space adjacent to this Project. On the east end, the sidewalk in this Project will connect to the bike path proposed to be constructed on the west side of South Old State Road by Delaware County in 2028. See Development Plan.

- c) **Lot Width** - There shall be a lot width of seventy-five (75) feet or more at the front line of the dwelling, and such lot shall have access to and abut on an adjoining approved street or road for a distance of sixty (60) feet or more. ***The Applicant is requesting a divergence to reduce the minimum lot width to 60 feet at the front build line. See list of Divergence Requests at the end of this zoning text.***
- d) **Lot Depth** - There shall be a lot depth of one hundred thirty-five (135) feet or more extending from the front line of the lot to the rear line of the lot. ***The Applicant is requesting a divergence to reduce the minimum lot depth to 120 feet for a typical subdivision lot on this project. See list of Divergence Requests at the end of this zoning text.***

- e) **Side Yard Setback** - No building or structure shall be located closer than twelve and one half (12 1/2) feet to any side lot line, and the total of the side yards shall be twenty-five (25) feet or more. *The Applicant is requesting a divergence to reduce the typical minimum Side Yard Setbacks within the proposed project to 7.5 feet, with a minimum total of the side yards on any lot to 15 feet, subject to the provisions of Section 21.03 of this Code. See list of Divergence Requests at the end of this zoning text.*

- f) **Building Setback** - No building or use shall be located closer to the right-of-way line or centerline of the adjacent public or private road than permitted in Section 21.09 herein. *The Applicant is requesting a divergence to reduce the typical minimum front Building Setback for Lot 13 to 15 feet from the cul-de-sac right-of-way. All other lots comply. See list of Divergence Requests at the end of this zoning text.*

- Front porches shall be permitted and encouraged on all lots, and may extend up to six feet (6') in front of the front building setback so long as the residential structure foundation does not encroach on the front building setback.*

- g) **Rear Yard Requirement** - No structure shall be located closer than thirty-five (35) feet to the rear line of any lot. Children's play sets shall be exempt from this restriction if located at least five (5) feet from the rear line. *The Applicant is requesting a divergence to permit a reduction in Rear Yard Setbacks on all lots within the proposed project, whereby "No residential building or structure shall be located closer than thirty (30) feet to any rear lot line of any lot, and no patio, pool, shed, or other such accessory structure shall be located closer than twelve (12) feet to any rear lot line". See list of Divergence Requests at the end of this zoning text.*

- h) **Maximum Lot Coverage** - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five percent (25%) of the area of the lot or parcel. *The Applicant is requesting a divergence to permit an increase in Maximum Lot Coverage on all lots within the proposed project, whereby "On no lot or parcel in this zoning district shall buildings be constructed which cover more than thirty five percent (35%) of the area of the lot or parcel". See list of Divergence Requests at the end of this zoning text.*

- i) **Landscaping** - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. All such landscaping shall be maintained and kept in accordance with the landscape plan as submitted, and such maintenance and upkeep shall be the responsibility of the owner of such yard, space or area. All lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands. *Complies. See Development Plan.*

- j) **Parking** – Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall be incorporated. ***Complies.***
- k) **Signs** – Except as provided under the provisions of this Article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incident to Conditional Uses, no signs shall be permitted in a Single Family Planned Residential District except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side. ***Complies.***
- l) **Building Height Limits** - No building in a Single Family Planned Residential District shall exceed thirty-five (35) feet in height measured from finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. ***Complies.***
- m) **Building Dimensions** - Each single family dwelling hereafter erected in a Single Family Planned Residential District shall have a living area of not less than one thousand (1000) square feet. All such living areas shall be exclusive of basements, porches or garages. ***Complies. The minimum living area for each dwelling unit shall be 1,500 square feet.***
- n) **Mobile Home Development Standards** - In the event mobile homes are included as a type of residence within a Single Family Planned Residential District, construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Associations, any State or Federal standards established on said subject or any requirement approved or imposed in the plan of development. ***Complies. No Mobile Homes shall be permitted within the proposed project.***
- o) The Zoning Commission and/or the Orange Township Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

SECTION 10.08 - GOLF COURSE COMMUNITY DEVELOPMENT STANDARDS; ***NOT APPLICABLE - INTENTIONALLY OMITTED.***

ARTICLE XXI – GENERAL DEVELOPMENT STANDARDS

SECTION 21.00 – GENERAL: It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of

development. They are designed to insure that the general welfare of citizens of Orange Township are protected and enhanced. These development standards apply throughout the township. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Resolution or prescribed or agreed to by the land owner in any rezoning or variance.

SECTION 21.01 – PARKING: Wherever parking areas are to be provided as required by the provisions of this Zoning Resolution the following conditions shall apply: ***The proposed project shall comply with this section.***

- a) **Dimensions** – All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces.
- b) **Paving** – Except in the Farm Residential District (FR-1) and the Agricultural Preservation District (A-1) all common parking areas and adjacent aisles or driveways shall be paved with asphaltic material or cement.
- c) **Driveways** – All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within forty (40) feet of the intersection of the rights-of-way of any two (2) public roads. If there are two (2) driveways serving the lot, or one driveway involving two entries upon a public road, one drive or entry shall be located not less than forty (40) feet from the said intersection and the other shall be located not less than one hundred (100) feet from the said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet. The leading edge of all driveways paved with asphaltic material or cement shall be no higher than the grade of the roadway for a distance of the two (2) feet immediately preceding the junction of the driveway and the public road.
- d) **Parking Area Location** - Except in the single family districts (A-1), (FR-1), (R- 2), and (SFPRD), no parking lot or parking area shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located and parking in front of the main structure may be permitted only if not more than forty percent (40%) of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served. The remaining sixty percent (60%) of the front setback outside of the road right-of-way shall be green space adjacent to the road(s) frontage(s).

- e) **Required Off-Street Parking Spaces** - The User of any tract shall provide off- street parking for all employees, customers, visitors and invitees. The following table shall specify the minimum parking areas to be provided:

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
1) Single family residential (FR-1) and (A-1)	Four (4) per dwelling unit.
2) Independent Living (PERD)	Two (2) per dwelling unit.
3) All other residential	Three (3) per dwelling unit. <i>Complies</i>
4) Hotels, motels, lodges (without public meeting facilities)	One (1) per rental unit plus one (1) per employee on the largest shift plus one (1) for each four seats in the dining room or restaurant area.
5) Hotels, motels, lodges, exhibition halls and public assembly areas (except churches)	One (1) per rental unit plus one (1) per employee on the largest shift plus one (1) per 75 square feet of floor area used for exhibition or assembly purposes plus one (1) per four (4) seats in any restaurant therein.
6) Churches or places of public assembly	One (1) for each three (3) seats or one (1) for each forty-five (45) square feet of assembly area, whichever is greater.
7) Hospitals	One and one half (1½) for each bed plus one (1) for each employee on the largest shift.
8) Assisted living and Nursing Homes (PERD and Non-PERD)	One (1) for each two (2) beds plus one (1) for each employee on the largest shift.
9) Museums, libraries, etc.	One (1) for each four hundred (400) square feet of area open to the public plus one for each employee on the largest shift.
10) Primary or elementary schools	Four (4) for each classroom.

11) Secondary schools, colleges, trade schools, etc.	Four (4) for each classroom plus one (1) for each four (4) students.
12) Restaurants	One (1) for each two (2) seats plus one (1) for each employee on the largest shift. Not less than (25) parking spaces shall be provided.
13) Offices	One for each four hundred (400) square feet of floor area plus one (1) for each employee.
14) Funeral Homes	One (1) for each twenty-five (25) square feet of public area.
15) Retail stores	Five (5) plus one (1) for every four hundred (400) square feet of floor space.
16) All industrial, warehousing	Twenty (20) plus one (1) for each two (2) employees plus one (1) for each vehicle maintained on the premises.
17) Day care facilities	One (1) for each employee on the largest shift plus one (1) for each five (5) children.
18) Golf courses in a golf community	Five (5) per green.

Any application for initial construction or use or for the expansion of any structure or use for shall include plans for adequate off-street parking as required herein.

SECTION 21.02 – HEIGHT LIMITATIONS: The building height limitations set forth in this Resolution shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antennas or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract. *The proposed project shall comply with this section.*

SECTION 21.03 – STRUCTURE SEPARATION: No principal structure shall be located closer than twenty-five (25) feet to another principal structure unless the adjacent walls of both structures are masonry in which said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one of said structure has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire. *The proposed project shall comply with this section.*

SECTION 21.04 – SANITARY SEWER REQUIREMENTS AND POLLUTION

CONTROL: All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Delaware County Department of Health. Prior to the issuance of any zoning permit, evidence of compliance with said regulations shall be presented to the zoning inspector. *The proposed project shall comply with this section.*

SECTION 21.05 – WATER IMPOUNDMENTS: All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards: *The proposed project shall comply with this section.*

- a) Except adjacent to U.S. Route 23 no impoundment shall be located closer than twenty-five (25) feet to the right-of-way of any adjacent improved road. No impoundment shall be located closer than fifty (50) feet to the right-of-way of U.S. Route 23.
- b) No impoundment shall be located in the front yard except the FR-1 or A-1 district except upon issuance of a Conditional Use Permit pursuant to Article XXVIII of this Resolution or as approved in plans of development or approved subdivision plats.
- c) All swimming pools, or the property upon which such swimming pools are located, shall be walled or fenced to fully enclose the swimming pool and prevent uncontrolled access to the swimming pool. Said wall or fence shall be not less than five (5) feet in height and may include the wall of a building or other structure, shall be of such construction as to not allow uncontrolled access under or through the wall or fence, and shall be maintained in good condition with all entry or access points having functioning locks. Inflatable and/or collapsible pools that do not meet the definition of a structure, as defined in this Resolution, are exempt from this requirement.

SECTION 21.06 – LANDSCAPING: All uses and improvements in the township should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction and of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during land clearing, should be accomplished as soon as possible. All vacant lots/lands shall be kept seeded and maintained (mowed). *The proposed project shall comply with this section.*

SECTION 21.07 – REPEALED.

SECTION 21.08 – FLOODPLAIN REGULATION: Certain limited areas of the township lie within the floodplain of the Olentangy River, and Alum Creek. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to insure that land uses within those areas consider such risks and minimize the impact of such flooding. Further, the addition of fill material to, or the dredging of, the Olentangy River, Alum Creek and bordering wetlands imposes additional risks of

flooding and threaten their loss as irreplaceable township natural resources and as areas of scenic and natural beauty. In an effort to control such uses, in the best interest of the township, and in addition to all other provisions of this zoning resolution, the following regulations shall be imposed. ***The proposed project shall comply with this section. There are no designated floodplains on the property.***

- a) The zoning inspector shall maintain on file for public examination: the Flood Insurance Rate Maps (FIRM) for Delaware County, Ohio and incorporated areas published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) and all revisions and amendments thereto, as applicable to Orange Township, delineating the boundaries within the township of all lands designated "floodplain." In the event a property owner contests the boundaries of such floodplain he shall be given reasonable opportunity to present technical evidence to support his position.
- b) Open space uses shall be permitted within the floodplain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.
- c) No structure otherwise permitted under this zoning resolution shall be erected or altered within the floodplain, and no use otherwise permitted under this zoning resolution shall be permitted within the floodplain, which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.
- d) No fill shall be deposited within the floodplain without permission from the Board of Zoning Appeals. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.

SECTION 21.09 – SETBACK REGULATIONS: No building or use (except signs or parking areas) shall be located closer to adjoining streets, roads, highways or approved private roadways than the distances set forth in the table or chart set forth hereinafter. For purposes of this chart or table, and for all other purposes of the Zoning Resolution, streets, roads, highways and approved private roadways shall be classified in one of the four following classes: ***The proposed project shall comply with this section.***

- a) **Class A** – U.S. Route 23 (Columbus Pike), State Route 750 from U.S. Route 23 to the Columbus corporation line, or any other roads as later designated by the trustees of the township.
- b) **Class B** – Powell Road (CR-14), Orange Road (Township Road 114), Home Road (CR-124), Lewis Center Road (CR-106), Worthington Road (CR-13) and

Old State Road (CR-10), or any other roads as later designated by the trustees of the township;

- c) **Class C** – Any other through public street or road or any private roadway approved by the Delaware County Engineer connecting two or more public roads;
- d) **Class D** – Dead end roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said roadway or any branch therefrom to create a connecting street between two or more existing or future streets or roads.

MINIMUM SETBACK DISTANCES

All distances relating to **Class A, B, C or D** roads are measured from the right-of-way line of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Articles XXI and XXII of this Resolution.

<u>USE CLASSIFICATION</u>		<u>ROAD CLASSIFICATION</u>			
		<u>Class A</u>	<u>Class B</u>	<u>Class C</u>	<u>Class D</u>
FR-1	Residential	80	70	60	60
R-2	Residential	80	70	45	30
R-3	Residential	80	70	30	30
SFPRD	Residential	80	70 or as approved in Development Plan	30 or as approved in Development Plan	30 or as approved in Development Plan
MFPRD	Residential	80	70 or as approved in Development Plan	30 or as approved in Development Plan	30 or as approved in Development Plan
C-1 and C-2	Commercial Office	80	70	50	50
PC	Commercial Office	80	70 or as approved in Development Plan	50 or as approved in Development Plan	50 or as approved in Development Plan
I	Industrial	80	70	100	70
PI	Planned Industrial	80	70 or as approved in Development Plan	50 or as approved in Development Plan	50 or as approved in Development Plan

A-1	Agricultural	80	70	60	60
-----	--------------	----	----	----	----

SECTION 21.10 – REQUIREMENTS FOR NONRESIDENTIAL USES

ABUTTING RESIDENTIAL DISTRICTS: The purpose of this section is to mitigate the effects of noise, light, and other nuisances emanating from a non-residential use abutting a residential district. Nonresidential buildings or uses except parking shall not be located nor conducted closer than one hundred (100) feet to any lot line of a residential district. Such one hundred (100) foot area shall include at or near its perimeter acceptable landscaping or screening as approved in the planned district plan of development or, in the case of property located outside of a planned district, as approved by the zoning inspector. *N/A*

SECTION 21.11 – INSTALLATION OF SATELLITE SIGNAL

RECEIVING EARTH STATIONS: Installation of disk or dish type Satellite Signal Receiving Earth Stations shall be governed by the following regulations: *The proposed project shall comply with this section.*

- a) Unless approved by the Board of Zoning Appeals, no disk or dish having a diameter of greater than one meter (39.37") may be located on the roof of any residential structure or accessory building on a residential or agricultural lot. The top of any disk or dish greater than one meter (39.37") in diameter may not be more than twelve (12) feet above the ground level in any residential district.
- b) No disk or dish shall be permitted within the township which exceeds twelve (12) feet in diameter unless the same is specifically approved as part of the development plan in the PC or PI districts.

SECTION 21.12 LIGHTING REGULATIONS: Lighting standards for all exterior lighting are hereby established to: protect the public health and safety, and in the interest of the public convenience, comfort, prosperity and general welfare. The purpose of this section is to control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare and to preserve, protect and enhance the character of the township and the lawful nighttime use and enjoyment of property located within it. *The proposed project shall comply with this section.*

- a) Specifically, these provisions are intended to achieve, among others, the following purposes:
 - 1) Establish performance standards to ensure an environment free from elements that may jeopardize the health or safety of the general public, be adverse to the interest of the public convenience, comfort, prosperity or general welfare, or degrade the quality of life in the township.
 - 2) Establish exterior lighting standards to:

- a. Control the installation of exterior lighting fixtures to prevent light pollution in the forms of light trespass and glare.
 - b. Provide safe roadways and pleasing community vistas free from distracting and debilitating glare.
 - c. Protect the Perkins Observatory and scientific research conducted at the facility by reducing unnecessary exterior lighting and light pollution.
- b) Appropriate site lighting, including lights for signs, buildings and streets, shall be arranged so as to: provide safety, utility and security; control light trespass and glare on adjacent properties and public roadways; and reduce atmospheric light pollution so as to protect Perkins Observatory and its scientific research from light pollution in any form. All existing and future uses on which exterior lighting is installed or changed shall conform to the standards set forth in this section.
- c) Lighting plan. A lighting plan is required for all applications submitted under Articles X, XI, XIV or XVII of this resolution, which plan shall be evaluated according to the procedure set forth in the applicable article. The lighting plan shall demonstrate compliance with the exterior lighting standards of this section and shall include the following items:
 - 1) A site plan showing location of all exterior light fixtures, controllers and transformers.
 - 2) Property boundaries, building location(s), parking lot layout, pedestrian paths, adjacent rights-of-way, north arrow and scale.
 - 3) Specifications and drawings or photographs for all exterior light fixture types, poles, conduit and appurtenant construction.
 - 4) Lamp wattage of all proposed luminaires.
 - 5) Information that indicates a minimum light level of 0.5 footcandles at grade in all vehicular use areas and connecting pedestrian paths.
 - 6) Cut sheets for all proposed exterior light fixtures and poles.
 - 7) Point-to-point plot with light levels meeting the light uniformity ratio standards of subsection 21.12 h) 3).
 - 8) Any other information and data reasonably necessary to evaluate the required lighting plan.
- d) General requirements.

- 1) All exterior fixtures shall be full cut-off fixtures.
- 2) No portion of a lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to be visible from off-site or cause disabling glare.
- 3) All light fixtures shall be directed downward. Uplighting is prohibited, except for accent lighting for buildings or signs, which may be approved as part of a development plan.
- 4) Exterior residential lights are exempt from subsections 1), 2) and 3) above when the initial lumen output does not exceed 2850 lumens (equivalent to a 150 watt incandescent a lamp).
- 5) All outdoor light poles shall be constructed of metal, fiberglass or finished wood.
- 6) All developments with ten (10) or more parking spaces are required to provide exterior lighting for all vehicular use areas including entrance and exit access drives and pedestrian paths connecting parking areas and principal buildings.
- 7) Automobile-oriented uses such as gasoline stations, automotive service stations and drive-through facilities shall install recessed ceiling fixtures in any canopy. The maximum allowable foot candle at 3.5 feet above grade under the canopy shall not exceed 35.
- 8) Except as permitted in Section 22.02 h), no exposed neon lighting, exposed neon look-alike lighting, exposed light emitting diode (LED) lighting or other exposed tube or tube-type lighting shall be permitted. This prohibition shall extend to and include, but not be limited to, all exterior signage, and signage or other accents placed in a window.

e) Maximum height requirements.

The total height of exterior lighting fixtures shall not exceed a maximum height of twenty (20) feet measured from the finished grade established not closer than fifteen (15) feet to the lighting fixture.

f) Extinguishment requirement. All office, business, industrial, recreational and institutional use exterior lighting (i.e., sign illumination, illumination for decorative effects, recreational facility or sports field illumination) shall be equipped with automatic timing devices and/or extinguished no later than one (1) hour after closing, with the exception of security lighting.

g) Light pollution standards.

- 1) Lighting required exclusively for the illumination of entrance/exits, access drives and pedestrian ways from the public right-of-way shall be permitted to illuminate to the far limit of the right-of-way.
- 2) Artificially produced light that strays beyond property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property:

<u>MAXIMUM LIGHT POLLUTION ILLUMINANCES</u>		
RECEIVING AREA CLASSIFICATION	MAXIMUM HORIZONTAL (FOOTCANDLES) AT GRADE BEYOND THE PROPERTY LINE	MAXIMUM VERTICAL (FOOTCANDLES) AT THE STRUCTURE HEIGHT
Residential	0.4	0.8
Office and Business	2.0	2.0
Industrial	2.0	2.0
Note: when two differing area classifications abut, the lower light level value shall take precedence along the common boundary		

h) Measurement

- 1) Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
- 2) Measurements shall be taken at a height of three and one-half (3.5) feet above the ground.
- 3) Light uniformity ratios.
 - (a) For any one luminary, the light uniformity ratio shall comply with the following ratio: maximum to minimum: 10:1.
 - (b) The average light uniformity ratio for all luminaires located on a site shall comply with the following ratio: average to minimum: 4:1.

i) Exemptions. The following luminaires are exempt from the provisions of this section:

- 1) Luminaires required by the Ohio Building Code that operate only in an emergency mode.
 - 2) Outdoor light fixtures that produce light directly from fossil fuel, such as kerosene lanterns or gas lamps.
 - 3) Residential low-voltage lighting in residential zoning districts and holiday lighting.
 - 4) Illuminated poles for governmental or institutional flags.
 - 5) Lighting required by federal regulation such as, but not limited to communication towers or airports.
- j) In addition to the provisions of this section, all exterior lighting fixtures shall be installed in conformity with all other applicable provisions of this resolution.

SECTION 21.13 – DISPLAY OF PROPERTY ADDRESS: Prior to occupancy each building or premises shall display its street or house number, doing so in such a manner and the number being of such a size that the same is readable from the street or road. Such street or house number may be affixed to the building, the street mailbox for the same, or otherwise displayed upon the premises. Such street or house number shall be displayed using numerals not less than three inches (3”) in height and shall otherwise be in conformance with the requirements of Article XXII of this Resolution. *The proposed project shall comply with this section.*

SECTION 21.14 – TEMPORARY USES – ZONING PERMIT APPROVAL BY ORANGE TOWNSHIP BOARD OF TRUSTEES REQUIRED: Unless otherwise permitted by the provisions of this zoning resolution or an approved development plan, no temporary use, such as a fair, festival, holiday celebration or other temporary sales or service activity, shall be commenced until a zoning permit and certificate of compliance for the same have been issued by the zoning inspector. Issuance of the zoning permit shall only occur at the direction of the Orange Township Board of Trustees and in compliance with the procedures, requirements and limitations listed below: *The proposed project shall comply with this section.*

- a) Prior to commencement of the temporary use:
 - 1) Permission shall be obtained from the appropriate township, county, state or federal agencies; and
 - 2) Permission shall be obtained from the owner(s) of the property upon which the temporary use is proposed. The permission shall be obtained in writing and presented with the application for the zoning permit.
- b) The application for a zoning permit under this section shall be filed with the zoning inspector and accompanied by two (2) site plans, together with a

listing of all property owners within two hundred (200) feet of the premises on which the temporary use is planned as the same are listed on the county auditor's current tax list and such fee as prescribed by the Orange Township Board of Trustees. It must be submitted within eight (8) weeks of, but not later than four (4) weeks in advance of, the proposed temporary use. The site plans shall contain and depict the following:

- 1) **The intended ingress and egress of traffic** - The design shall provide for a safe and orderly flow of vehicular and pedestrian traffic and shall not interfere with the proper functioning of adjacent public roadways.
- 2) **The width of driveways and aisles and the location of any barriers** - The design shall provide a safe vehicular and pedestrian traffic pattern for the anticipated attendance.
- 3) **The dimensions and locations of any and all temporary buildings, structures and/or tents on the premises and the width between the same** - The design shall comply with all applicable fire or building codes and provide a safe environment for attendees.
- 4) **A first aid facility** - The size and design shall be appropriate to the anticipated attendance.
- 5) **Litter containers** - The size, number and location of containers shall be appropriate to the anticipated attendance and adequate to provide for convenient litter disposal, so as to avoid litter being scattered about the premises or adjacent areas.
- 6) **The location of all vendors** - To the extent possible, the design shall distance the vendors generating noise or using artificial lighting from adjacent property.
- 7) **The location of parking facilities** - The design shall provide parking for the anticipated attendance and shall provide attendees safe pedestrian access from the parking facilities to the proposed temporary use.
- 8) **The location of restroom facilities** - The number and location of facilities shall be adequate for the anticipated attendance and located for convenient access from all locations on the property.
- 9) **The lighting plan** - The lighting plan shall comply with Section 21.12 of the zoning resolution.
- 10) **The sound amplification plan** - The plan shall be designed to prevent sound emanating from the temporary use from being discernible beyond the bounds of the property.

- 11) **The signage plan** - The plan shall depict the size, dimensions, number, type and location of all signs on the premises. The signage plan shall be adequate to advise attendees of activities, services or goods available on the premises, shall be in harmony with buildings on the site and shall not detract from the appearance of the general neighborhood in which the premises is located. Further, the signage plan shall not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using street or driveways in the area, or the creation of visual distraction for such motorists.
- c) The following information shall also be provided on the site plans:
- 1) The name, address and telephone number of the property owner(s);
 - 2) The name, address and telephone number of the office and of the chairman, manager or operator of the temporary use;
 - 3) The address and township section number of the property upon which the temporary use is to be held;
 - 4) The dates and times of operation of the temporary use; and
 - 5) A written narrative completely describing the temporary use, including all features and details of its presentation.
- d) All signs erected under this section shall comply with subsections a) through i) of Section 22.06 of the zoning resolution, excepting that portable signs, banners, pennants, streamers, flashing lights, string of lights, "a" frame signs, air-activated attraction devices, portable search lights with generator (to be aimed at the sky), balloons, or air filled figures may be incorporated into the temporary use.
- e) The application shall be transmitted by the zoning inspector to the Orange Township Board of Trustees, who shall cause a public hearing to be held.
- f) Notice of the application for a zoning permit for the temporary use and the hearing thereon shall be given to all property owners within two hundred (200) feet of the premises on which the temporary use is planned. Notice shall be given by ordinary mail. In addition thereto, one notice of said meeting shall be published in a newspaper of general circulation within the township not less than ten (10) days prior to the scheduled hearing. All notices shall be issued by the zoning secretary on behalf of the Orange Township Board of Trustees.
- g) Following the public hearing, the application for a zoning permit may be approved by the Orange Township Board of Trustees, and the zoning

inspector directed to issue the zoning permit, upon its determination that the application complies with the following:

- 1) That the proposed use is an approved temporary use under this section;
 - 2) That the proposed use complies with this section and makes adequate provision for the public health, safety, convenience, comfort and general welfare as regards the following:
 - (a) The safe ingress and egress of traffic;
 - (b) The width of driveways and aisles and the location of any barriers;
 - (c) The dimensions and locations of any and all temporary buildings, structures and/or tents on the premises and the width between the same;
 - (d) The first aid facility;
 - (e) The litter containers;
 - (f) The location of all vendors;
 - (g) The location of the office;
 - (h) The location of parking facilities;
 - (i) The location of restroom facilities;
 - (j) The proposed lighting plan;
 - (k) The sound amplification plan; and
 - (l) The signage plan.
 - 3) That the proposed temporary use will not be disruptive to residential uses in the area.
- h)** The Orange Township Board of Trustees shall make its decision within a reasonable time after the hearing. In the event the board approves the application for a zoning permit, it may impose such reasonable conditions as it deems necessary to insure that the use will be conducted in the best interest of the community.
- i)** A zoning permit issued under this section of the zoning resolution shall not be transferable and shall be subject to the following:

- 1) It shall authorize the presentation of the temporary use for a maximum period of three (3) consecutive days, after which time it must be discontinued;
 - 2) It shall also authorize the twenty-four (24) hour periods immediately prior to, and after, the presentation of the temporary use to be used, respectively, for preparing and removing the temporary use; and
 - 3) No activity regarding the temporary use shall occur outside of the above stated periods and it must be totally removed from the property within the twenty- four (24) hours following its presentation.
- j) Following approval of a zoning permit by the Orange Township Board of Trustees, no temporary use shall be commenced until a certificate of compliance for the same has been issued by the zoning inspector, as provided in Section 25.05 of the zoning resolution.

List of Divergence Requests per Section 10.06(b)(12)

1. ***Section 10.07(a) - Intensity of Use. The Applicant is requesting a divergence to permit 2.88 dwelling units per gross acre and more than 3 units on any single acre.***

Justification: This request is less than the maximum density of 3.0 units per gross acre recommended for approval by the Zoning Commission in the current Zoning Code draft being reviewed by the Trustees.
2. ***Section 10.07(c) - Lot Width. The Applicant is requesting a divergence to reduce the minimum lot width to 60 feet at the front build line.***

Justification: This request is greater than the minimum lot width of 55 feet listed in the current Zoning Code draft recommended for approval by the Zoning Commission and being reviewed by the Trustees.
3. ***Section 10.07(d) - Lot Depth. The Applicant is requesting a divergence to reduce the minimum lot depth to 120 feet for a typical subdivision lot on this project.***

Justification: This request is due to the limited width of the Property.
4. ***Section 10.07(e) – Side Yard Setback. The Applicant is requesting a divergence to reduce the typical minimum Side Yard Setbacks within the proposed project to 7.5 feet, with a minimum total of the side yards on any lot to 15 feet, subject to the provisions of Section 21.03 of this Code.***

Justification: This divergence has been regularly granted in Orange Township within similar SFPRD Districts to provide greater flexibility in house design and property utilization.

5. ***Section 10.07(f) – Building Setback.*** *The Applicant is requesting a divergence to reduce the typical minimum front Building Setback for Lot 13 to 15 feet from the cul-de-sac right-of-way. All other lots comply. Front porches shall be permitted and encouraged on all lots, and may extend up to six feet (6') in front of the front building setback so long as the residential structure foundation does not encroach on the front building setback.*

Justification: Because of the lot geometry and the size of the cul-de-sac required for fire truck maneuverability, this small section of building setback is essentially a side-yard setback, but exists along the right-of-way. There are no dwellings proposed on the west side of Lot 13 or on the south side of the cul-de-sac bulb.

6. ***Section 10.07(g) – Rear Yard Requirement.*** *The Applicant is requesting a divergence to permit a reduction in Rear Yard Setbacks on all lots within the proposed project, whereby “No residential building or structure shall be located closer than thirty (30) feet to any rear lot line of any lot, and no patio, pool, shed, or other such accessory structure shall be located closer than twelve (12) feet to any rear lot line”.*

Justification: This divergence will provide greater flexibility in house design and outdoor living spaces without negatively impacting the neighboring home sites.

7. ***Section 10.07(h) – Maximum Lot Coverage.*** *The Applicant is requesting a divergence to permit an increase in Maximum Lot Coverage on all lots within the proposed project, whereby “On no lot or parcel in this zoning district shall buildings be constructed which cover more than thirty five percent (35%) of the area of the lot or parcel”.*

Justification: This divergence will provide greater flexibility in house design and outdoor living spaces without negatively impacting the neighboring home sites.

ZONING REQUIREMENTS TABLE				
ZONING DISTRICT: SINGLE-FAMILY PLANNED RESIDENTIAL DISTRICT (SFPRD)				
PID: 318-240-01-018-000; 318-240-01-019-000				
EXISTING USE: RESIDENTIAL				
PROPOSED USE: RESIDENTIAL				
CODE SECTION	STANDARD	CURRENT CODE STANDARD	NEW DRAFT CODE STANDARD	PROPOSED
10.07 a)	DENSITY (UNITS/ACRE)	2	3	2.88 (DIV#1)
10.07 b)	MINIMUM OPEN SPACE AREA	20.0%	20.0%	22.7%
10.07 c)	MINIMUM LOT WIDTH	75 FEET	55 FEET	60 FEET (DIV#2)
10.07 d)	MINIMUM LOT DEPTH	135 FEET	NOT STATED	120 FEET (DIV#3)
10.07 e)	SIDE YARD SETBACK	12.5 FEET	10 FEET	7.5 FEET (DIV#4)
10.07 f)	FRONT YARD SETBACK	25 FEET INTERNAL ROADS	25 FEET INTERNAL ROADS	25 FEET INTERNAL ROADS 15' FOR LOT #13 ONLY (DIV#5)
10.07 g)	REAR YARD SETBACK	35 FEET	30 FEET	30 FEET RESIDENTIAL STRUCTURE 12 FEET ACCESSORY STRUCTURE (DIV #6)
10.07 h)	MAX LOT COVERAGE	25%	NOT STATED	35% (DIV#7)
10.07 i)	MAX BUILDING HEIGHT	35 FEET	35 FEET	35 FEET
10.07 m)	BUILDING DIMENSIONS	1,000 SF MIN	NOT STATED	1,500 SF MIN

DIV = DIVERGENCE REQUESTED (SEE ZONING TEXT)

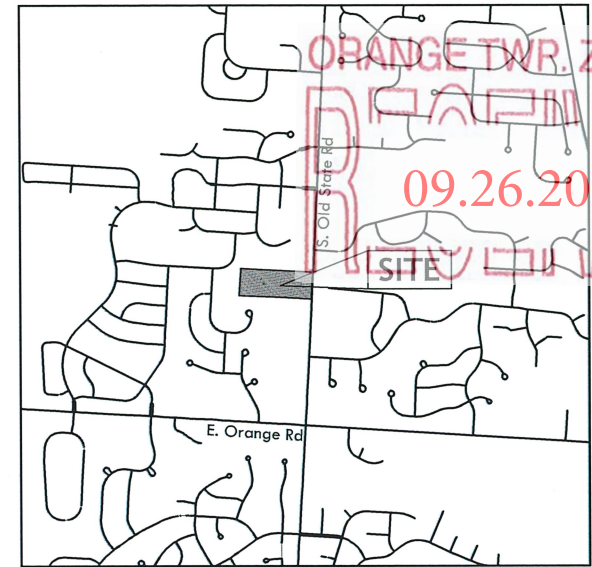
DEVELOPMENT PLAN

for

HIDDEN OAKS

FARM LOT 23, SEC. 2, TWP. 3, R. 18, USML
DELAWARE COUNTY, OHIO
ORANGE TOWNSHIP

SINGLE FAMILY PLANNED
RESIDENTIAL DISTRICT (SFPRD)
8.34 Acres



LOCATION MAP
1" = 1,500 FT

PLAN PREPARED BY:
Real Property Design and Development, LLC
15 North Liberty Street
Powell, OH 43065
Phone: (614) 323-7800
Email: john.wicks@rpdllc.com

SHEET INDEX

- 1 Title Sheet
- 2 Development Plan
- 3 Landscape Plan



LOCATION PLAN
1" = 100 FT

UTILITY COMPANIES

American Electric Power
850 Tech Center Drive
Gahanna, Ohio 43230
Attention: Gary Hays
(614) 883-6803

Del-Co Water Company, INC.
6773 Olentangy River Road
Delaware, Ohio 43015
Attention: Shane Clark, P.E.
(740) 548-7746

Delaware County Engineer
Chris Bauserman
50 Channing Street
Delaware, Ohio 43015
(740) 833-2400

Delaware County Sanitary Engineer
50 Channing Street
Delaware, Ohio 43015
(740) 833-2240

Frontier
1300 Columbus Sandusky Road
Marion, Ohio 43302
(740) 369-0826

Suburban Natural Gas
2626 Lewis Center Road
Lewis Center, Ohio 43035
(740) 548-2450

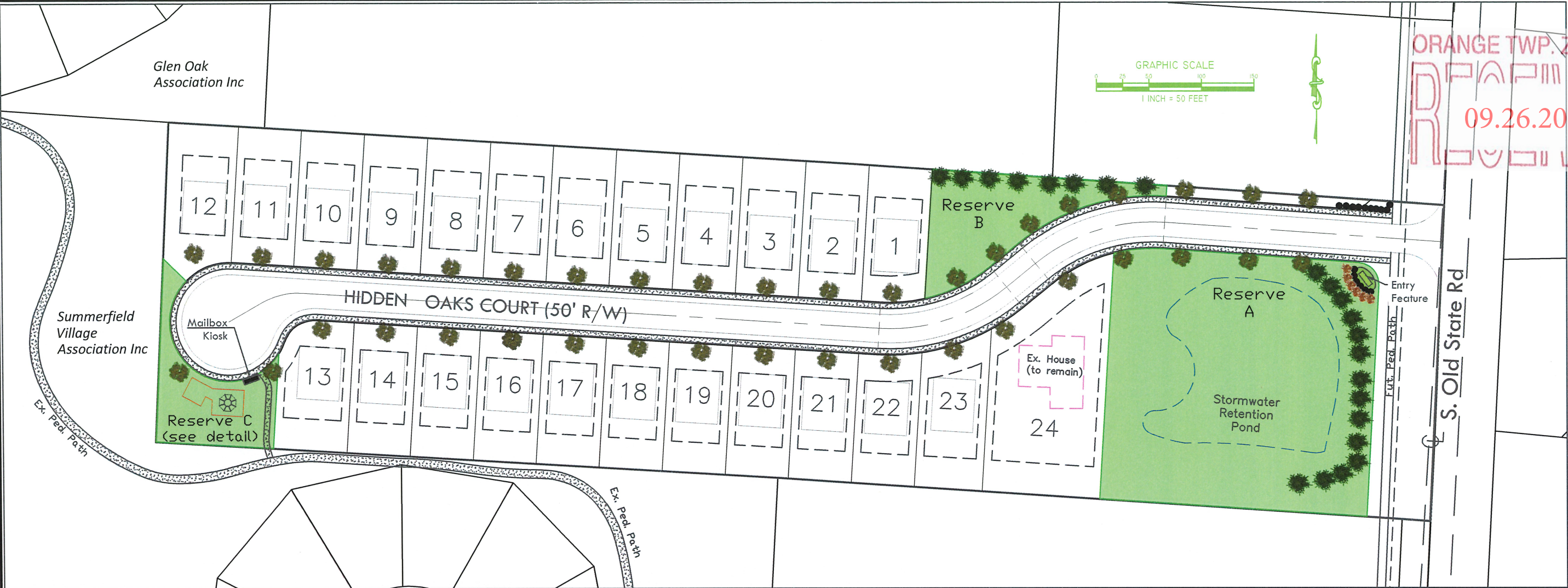


BASIS OF BEARINGS
Bearings hereon are based on the centerline of right-of-way of South Old State Road being South 02°59'55" West and referenced to State Plane Grid, Ohio North Zone, per an Ohio RTN Survey (NAD83, 2011 Adjustment, Epoch 2010.0, US Survey Feet).

FLOODPLAIN

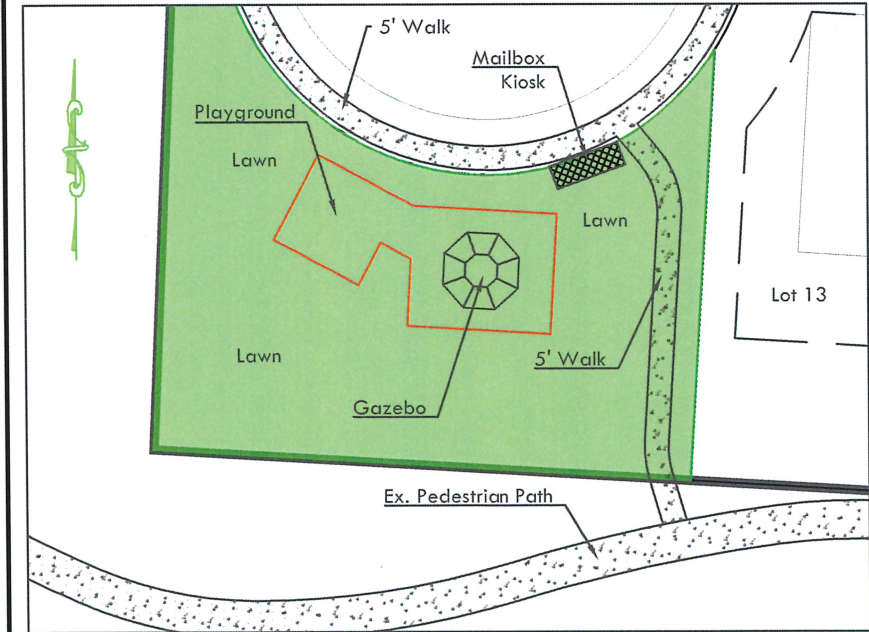
The subdivision is located in the Zone X, a zone described as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood on Flood Insurance Rate Map, Delaware County, Ohio Panel 0265, Number 39041, Suffix K, Effective Date April 16, 2009.

Approval Date	
Revision	
Sheet No.	
Description	
Date	
Revision	
ORANGE TOWNSHIP, DELAWARE COUNTY, OH DEVELOPMENT PLAN FOR HIDDEN OAKS TITLE SHEET	
Date: OCTOBER 2025	Scale: AS NOTED
Drawn By: JCW	Checked By:
RPDD Real Property Design & Development 15 N. Liberty Street Powell, OH 43065 (614) 323-7800 RDPD111@gmail.com	
Sheet 1 of 3	



ORANGE TWP. ZONING
RECEIVED
09.26.2025

SITE PLAN 1" = 50'



DETAIL 1" = 20'



ENTRY FEATURE

- NOTES:
- ENTRY FEATURE: The entry feature will be designed to provide clear signage to mark the vehicular entry point of the development. It will be constructed of durable, high quality materials such as natural or manufactured stone and will be visually comparable to similar structures of proximate development. Landscaping and lighting will be vital elements to benefit the feature aesthetically and increase visibility. All such elements will comply with the zoning text. The entry feature shall be located outside the sight triangle for exiting vehicles.
 - NEIGHBORHOOD PARKS; RESERVES: Reserves A, B and C shall be Maintained Open Space as defined in the zoning text and shall be maintained by the HOA for residents' use.
 - STREET TREES: Street trees as provided herein shall be located outside the public right-of-way and shall be installed with each lot's landscaping package by the homebuilder.
 - Each homesite shall be required to have an additional landscaping package of ornamental trees, shrubs and mulchbeds at the front of the structure.
 - All landscaping requirements of the zoning text, whether or not shown specifically on this plan, shall be met or exceeded.

HIDDEN OAKS PLAN LIST *					
SYM.	COMMON NAME	BOTANICAL NAME	CALIPER OR SIZE AT PLANTING	QTY.	NOTES
	NORWAY SPRUCE	PICEA ABIES	> OR = 1.75", 5H	PER PLAN	EVERGREEN-TOPHEN PLANTING
	AUTUMN BLAZE MAPLE	ACER FREEMANII 'AUTUMN BLAZE'	> OR = 1.75"	PER PLAN	DECIDUOUS STREET TREES AND SCREENING
	FLOWERING DOGWOOD	CORNUS FLORIDA	> OR = 1.75", 5H	PER PLAN	ORNAMENTAL VASED TREES
	DWARF FOUNTAIN GRASS	PELLEISSETUM 'HAMELII'	> OR = 3 GAL	PER PLAN	GRASS ORNAMENTAL

*EXACT AMOUNT, VARIETY, SPECIES, ETC OF PLANT MATERIAL IS SUBJECT TO AVAILABILITY AT TIME OF CONSTRUCTION

ORANGE TOWNSHIP, DELAWARE COUNTY, OH
DEVELOPMENT PLAN
FOR
HIDDEN OAKS
LANDSCAPING PLAN

RPDD
REAL PROPERTY DESIGN & DEVELOPMENT
15 N. Liberty Street
Powell, OH 43065
Phone: 614.323.7800
RPDDL.com

Sheet 3 of 3

Scale: 1"=100'

Date: OCTOBER 2025

Project No.: N/A

Drawn By: JGW

Checked By:

Approval Date

Revision

Date

Sheet No.

Description

ARCHITECTURAL DESIGN GUIDELINES

For HIDDEN OAKS October 2025

Homes

The houses within Hidden Oaks will single-family homes designed with architectural features similar to other developments in Orange Township, with modern upgrades, in compliance with Article 10.07 of the zoning text. All residential structures will be constructed or assembled onsite with varied architectural character and materials. Architectural features will include:

1. The architectural character of the new buildings to be constructed in this zoning district shall be consistent. Cementitious siding, smart siding, brick, brick veneer, vinyl, stone, and stone veneer shall be permitted as primary exterior façade materials. Permitted trim materials include wood, PVC, vinyl, cementitious trim and aluminum.
2. Maximum building height. Buildings may be up to two stories and shall not exceed 35 feet in height.
3. Facade colors shall not be of excessively high chroma or intensity.
4. Primary roofs with a minimum 5:12 pitch. As appropriate, gable roofs and offsets in roof lines will be used to enhance the interest of the dwelling. Roof materials shall be of a medium or dark color and shingles will be an asphalt material. Solar panels may be approved by the HOA.
5. Front porches shall be permitted and encouraged. Front porches may encroach on the front build line by no more than six (6) feet.
6. Each unit shall have a two (2) or three (3) car attached garage with at least two (2) additional spaces in the driveway.
7. Garage doors shall be paneled, and of one color and material (windows shall be allowed if consistent with architectural character and theme).

Control features for the architectural design shall consist of deed restrictions as well as a Homeowners Association which will administer and control design following site development. All homes shall have a minimum 2-car attached garage.

It is intended that the architectural style of homes in Hidden Oaks will be similar to those pictured below.



House Sample 1



House Sample 2



House Sample 3



House Sample 4

Entry Feature

Entry feature signage and monumentation will match the size, design characteristics, and material scheme of nearby residential developments. See image below.



APPROVED
FOR TRANSFER
FRED L. STULTSPARCEL I:

Being part of Lot Number Twenty-three (23), Section 2, Township 3, Range 18, United States Military Lands;
Beginning at a P.K. Nail in the centerline of County Road #10, said nail being located at the northeast corner of Lot 23; Thence with the centerline of said road South 3 deg. 45' West, a distance of 300.00 feet to a railroad spike; Thence North 85 deg. 27' 30" West, a distance of 570.80 feet to an iron pin passing an iron pin at 30.00 feet; Thence North 3 deg. 45' East, a distance of 300.00 feet to an iron pin set in the lot line between Lots 22 and 23; Thence with said Lot line South 85 deg. 27' 30" E. a distance of 570.80 feet to the place of beginning, passing an iron pin at 540.80 feet. Containing 3.931 acres, more or less, but subject to all easements and rights of way of record.

PARCEL II:

Situated in the County of Delaware, State of Ohio and in Orange Township, bounded and described as follows:

Being part of Lot Number Twenty-three (23), Section 2, Township 3 North, Range 18 West, United States Military Lands and being a part of parcel described in Deed Volume 298, page 587, Delaware County Records and said tract more particularly described as follows:

Beginning for reference at a P.K. Spike in the centerline of County Road #10, Old State Road, marking the northeast corner of Lot 23; Thence North 85 deg. 27' 30" West 570.80 feet, in the north line of Lot 23 to an iron pipe, the principal place of beginning of the tract herein described; Thence continuing North 85 deg. 27' 30" West 641.00 feet in the north line of Lot 23 to an iron pipe; Thence South 3 deg. 45' West 300.00 feet to an iron pipe; Thence South 85 deg. 27' 30" East 641.00 feet, parallel with the north line of Lot 23 to an iron pipe marking the southwest corner of a 3.93 acre tract described in Deed Vol. 368, page 579, Delaware County Deed Records; Thence North 3 deg. 45' East 300.00 feet along the west line of said 3.93 acre tract to the place of beginning containing 4.41 acres, more or less, but subject to all easements and rights of way of record.

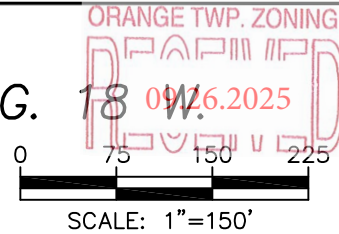
APPROVED
FOR TRANSFER
FRED L. STULTS
Delaware County Engineer

BOUNDARY SURVEY

FARM LOT 23, SEC. 2, TWP. 3 N., RNG. 18 W.

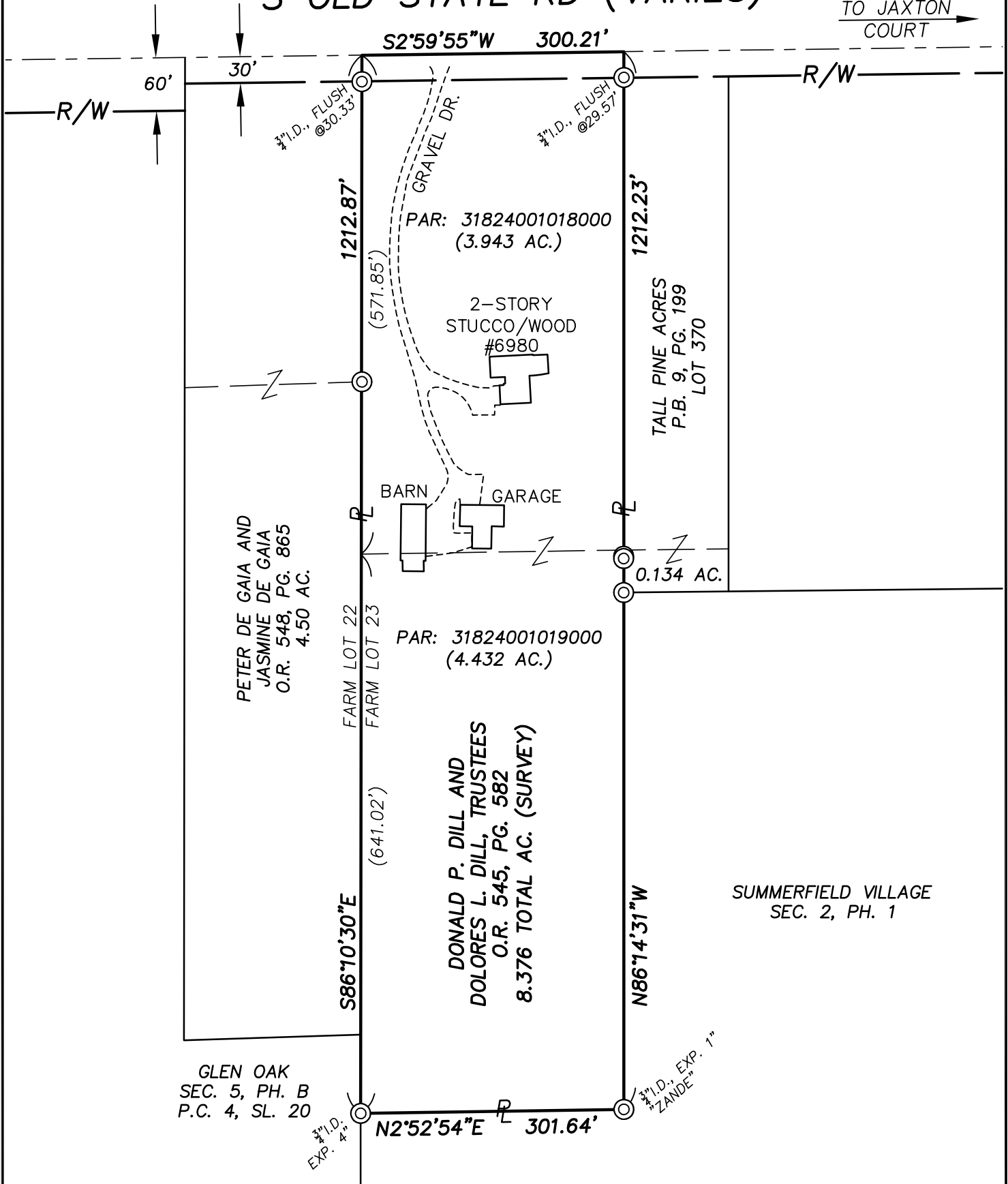
U.S.M.L.

ORANGE TOWNSHIP, DELAWARE CO., OHIO



S OLD STATE RD (VARIES)

TO JAXTON COURT



LEGEND

- ⊙ IRON PIPE FOUND
- PROPERTY LINE
- R/W PUBLIC ROAD RIGHT-OF-WAY

SURVEY NOTES

Bearings hereon are based on the centerline of right-of-way of S. Old State Rd. being S2°59'55"W and referenced to State Plane Grid, Ohio North Zone, per an Ohio RTN Survey (NAD83, 2011 Adjustment, Epoch 2010.0, US Survey Feet).

Address of subject property is 6980 S. Old State Rd., Lewis Center, OH 43035.

This plat is based on the results of an actual field survey performed on the property under my supervision in September, 2025.



8850 COMMERCE LOOP DR
COLUMBUS, OH 43240
(614) 899-2209

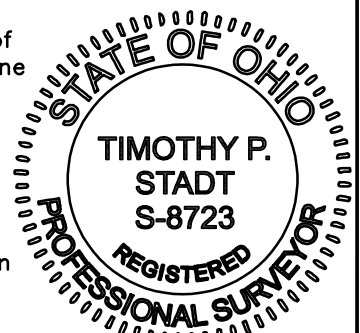
DRAWING NAME: 25520BS.DWG

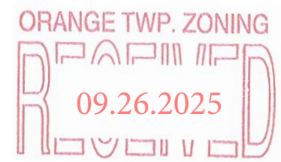
DATE: 9/25/2025 REVISED:
JOB No.: 25-520 F.B./PG.: 52/76
CLIENT: REAL PROP. DESIGN & DEV.
CLIENT P.O.: N/A

BY

Timothy P. Stadt

OHIO PROFESSIONAL SURVEYOR No. 8723





TRAFFIC ANALYSIS
for
Hidden Oaks
October 2025

The Hidden Oaks project consists of 24 single-family residential units on the westside of South Old State Road, with its only access point directly onto South Old State approximately 600 feet south of Coltsbridge Drive.

See attached Traffic Access Study from Smart Services, Inc.

Hidden Oaks Traffic Access Study

Prepared For:

Real Property Design & Development LLC

Prepared By:



1900 Crown Park Court, Suite E
Columbus, OH 43235
(614) 914-5543
www.SmartServices-Inc.com

INITIAL: 9/2025

SSI Project #: 893801

© Smart Services, Inc., 2025
All Rights Reserved

Hidden Oaks Traffic Access Study

Prepared For:

Real Property Design & Development LLC
15 N. Liberty St
Powell, OH 43065

Telephone: (614) 323-7800

Prepared By:

Smart Services, Inc.
1900 Crown Park Court, Suite E
Columbus, OH 43235

Telephone: (614) 914-5543
e-mail: tstanhope@smartservices-inc.com

Under the direction of:

Registered Engineer No. E-64507, Ohio

Date



9/2025

TABLE OF CONTENTS

Background	1
Existing Conditions	1
Projected Site Traffic	4
2026 & 2036 Traffic	6
Traffic Analysis	9
Conclusions	9

APPENDIX

Traffic Counts
Turn Lane Warrant Graphs

BACKGROUND

Real Property Design & Development LLC is proposing to develop a site with 24 single-family homes. The site is located on the west side of S. Old State Road just north of Jaxton Court. Figure 1 shows the location of the site. There is one proposed full access on S. Old State Road. The permitting agency for the access is the Delaware County Engineers Office (DCEO). Figure 2 shows the site plan. The permitting agency is the Delaware County Engineer's Office (DCEO) and they require a traffic access study (TAS).

EXISTING CONDITIONS

Table 1 shows the speed limit and classification for the roadway in the study area.

STREET	POSTED SPEED LIMIT	DESIGN SPEED	DELAWARE COUNTY THOROUGHFARE PLAN CLASS
Old State Road	55 MPH	55 MPH	Minor Arterial

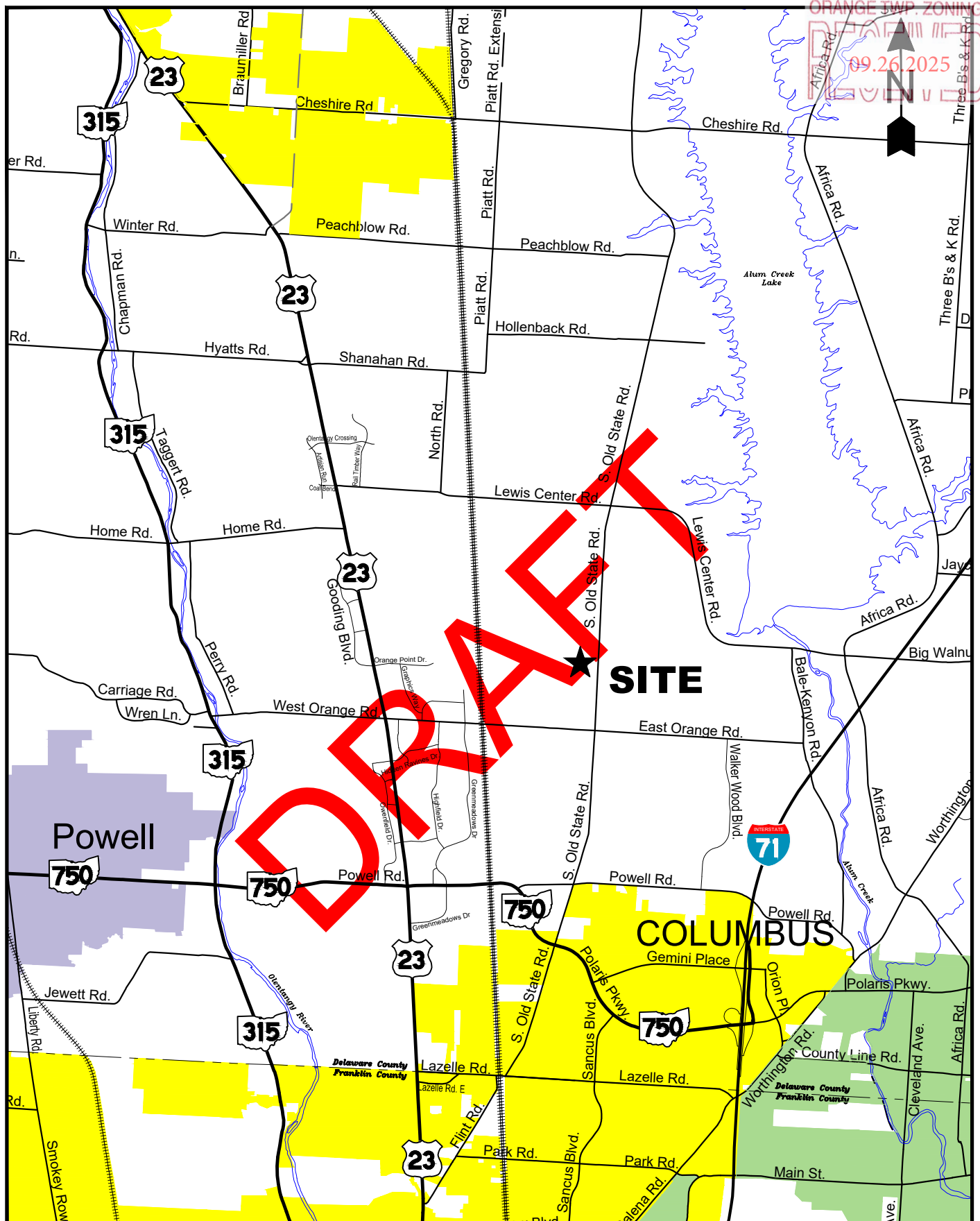
TABLE 1 - Summary of Roadway Information

Table 2 shows the summary of the basis of existing traffic volumes.

SEGMENT	SOURCE	AM PEAK HOUR	PM PEAK HOUR
S. Old State Road north of Orange Road	MORPC	6/04/2024 8:00-9:00 AM	6/04/2024 5:15-6:15 PM

TABLE 2 – Summary of Existing Traffic Basis

ORANGE TWP. ZONING
DECEMBER 11, 2024
09.26.2025
REVIEWED



HIDDEN OAKS TRAFFIC ACCESS STUDY

PREPARED BY: **SMART**
SERVICES

9/2025

FIGURE 1

SITE LOCATION

ORANGE TWP. ZONING
RECEIVED
09.26.2025

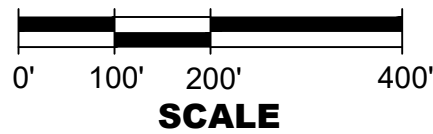


FIGURE 2

SITE LAYOUT

HIDDEN OAKS TRAFFIC ACCESS STUDY

9/2025

PREPARED BY:



PROJECTED SITE TRAFFIC

Trip Generation

The accepted method for computing trip generation in the traffic engineering profession is *Trip Generation Manual, 11th Edition* published by the Institute of Transportation Engineers (ITE). This report provides trip rates for different land uses based on data from sample sites in each category. The land use used to represent the site is "Single-Family Detached Housing" (ITE Code #210). Table 3 shows the trip generation calculations.

Trip Distribution

The distribution of traffic is assumed to be 60% from the south and 40% from the north. The following is the resulting distribution:

- 40% to/from the north on S. Old State Road
- 60% to/from the south on S. Old State Road

DRAFT

TIS SUBAREA	LAND USE	TIME OF DAY	DATA SET <i>Trip Generaton Manual, 11th Edition</i> (Unless noted Otherwise)	RATE OR EQUATION FROM: <i>Trip Generaton Manual, 11th Edition</i> (Unless noted Otherwise)	TOTAL TRIPS	ENTERING		EXITING	
						%	TOTAL TRIPS	%	TOTAL TRIPS
1	Single-Family Detached Housing (ITE Code #210) Ind. Variable (X) = 24 Dwelling Units	Daily	Weekday	$\ln(T)=0.92\ln(X)+2.68$	271	50%	136	50%	135
		AM Peak	Peak Hour of Adj. Street Traffic, One Hour between 7 & 9 AM	$\ln(T)=0.91\ln(X)+0.12$	20	25%	5	75%	15
		PM Peak	Peak Hour of Adj. Street Traffic, One Hour between 4 & 6 PM	$\ln(T)=0.94\ln(X)+0.27$	26	63%	16	37%	10
TOTALS		Daily			271		136		135
		AM Peak			20		5		15
		PM Peak			26		16		10

Hidden Oaks Traffic Access Study - 9/2025

TABLE 3 - SITE TRIP GENERATION SUMMARY

2026 & 2036 TRAFFIC

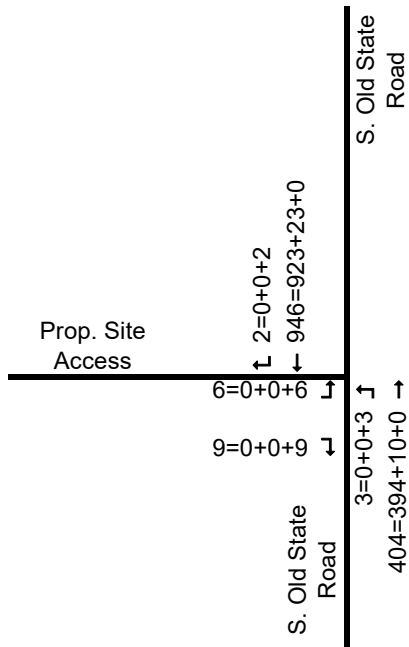
The DCEO requires a 10-Year design horizon for this level of development. Opening Day is assumed to be 2025, therefore the design year is 2036. Based on MORPC's 2012 ADT of 36,343 and 2024 ADT of 41,797 (shown below), a linear annual growth rate of 1.25% was applied. Table 4 shows the assumed growth rates and corresponding factors.

Record		1 of 1		Goto Record		go		
Location ID	15 023N	MPO ID						
Type	SPOT	HPMS ID						
On NHS		On HPMS						
LRS ID		LRS Loc Pt.						
SF Group	01 FC URBAN PRINCIPAL ART (2025)	Route Type						
AF Group		Route						
GF Group		Active	Yes					
Class Dist Grp		Category	STA					
Seas Class Grp								
WIM Group								
QC Group	Default							
Funct'l Class	URBAN PRINCIPAL ART	Milepost						
Located On	US 23							
Loc On Alias								
NORTH OF	ORANGE RD							
More Detail ▶								
STATION DATA								
Directions: 2-WAY NB SB ?								
AADT ?								
	Year	AADT	DHV-30	K %	D %	PA	BC	Src
	2024	41,797 ⁴						
	2020	36,809 ⁴						
	2014	37,573 ⁴						
	2012	36,343 ⁴						
	1993	31,103						

SEGMENT	LINEAR ANNUAL GROWTH RATE	2024 TO 2026 FACTOR	2024 TO 2036 FACTOR
S. Old State Road north of Orange Road	1.25%	1.025	1.150

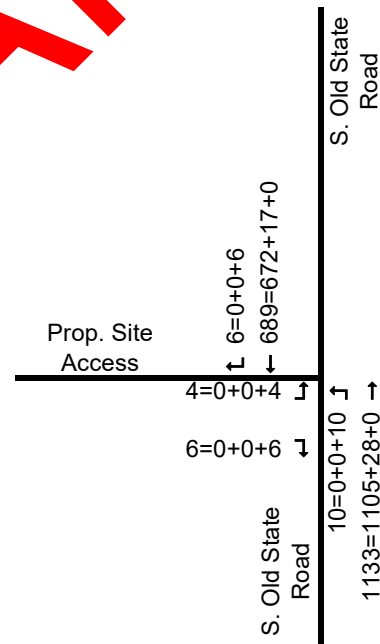
TABLE 4 – Growth Factor Summary for 2024 Counts

Figure 3 shows the components of the 2026 'Build' traffic. Figure 4 shows the components of the 2036 'Build' traffic.



AM PEAK

DRAFT



PM PEAK

LEGEND

A (SHEET TITLE)=B+C+D

A = 2026 'BUILD'
 B = EXISTING (2024)

C = GROWTH
 D = SITE TOTAL

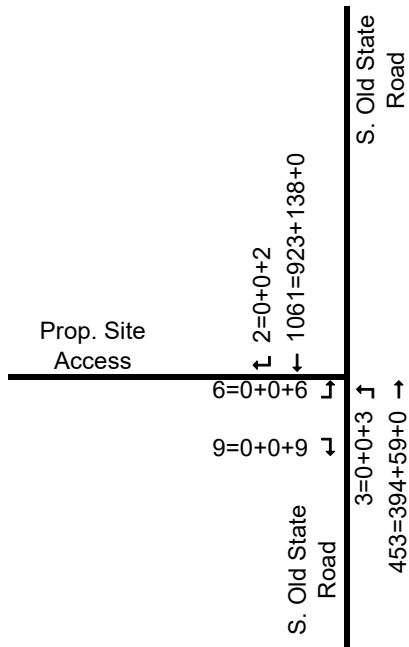
**HIDDEN OAKS
 TRAFFIC ACCESS STUDY**

PREPARED BY: SMART SERVICES

9/2025

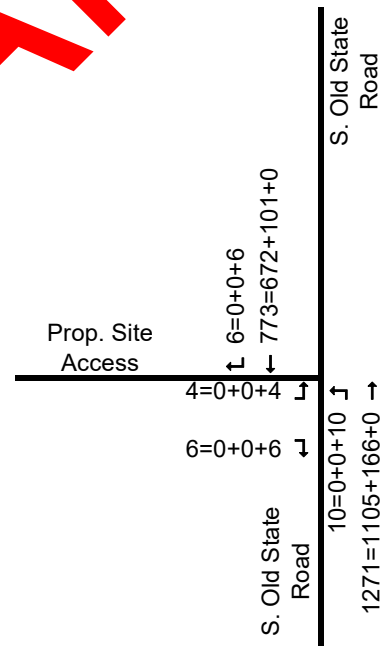
FIGURE 3

2026 'BUILD'



AM PEAK

DRAFT



PM PEAK

LEGEND

A (SHEET TITLE)=B+C+D

A = 2036 'BUILD'
 B = EXISTING (2024)

C = GROWTH
 D = SITE TOTAL

**HIDDEN OAKS
 TRAFFIC ACCESS STUDY**

PREPARED BY: **SMART**
 SERVICES

9/2025

FIGURE 4

2036 'BUILD'

TRAFFIC ANALYSIS

Turn Lane Warrant Analysis

Left Turn Lanes - According to the *TIS Standards*, the criteria to determine if left turn lanes are warranted on minor arterials (S. Old State Road) with posted speeds 40 MPH and above is if there are more than 10 left turning vehicles during the peak hour for full build-out of the development. Table 5 shows the results.

Right Turn Lanes - Per the *TIS Standards*, the procedures for determining whether right turn lanes are required are found in the *ODOT L&D Manual* which is referenced from the *State Highway Access Management Manual (SHAMM)*. Table 5 also shows a summary of the results of the right turn lane warrants. The graphs from the *ODOT L&D Manual* are in Appendix.

INTER-SECTION	MOVE-MENT	PEAK HOUR	2026 'BUILD'	2036 'BUILD'
S. Old State Road & Site Access	NB LT	AM Peak	Warrant Not Met (<11)	Warrant Not Met (<11)
		PM Peak	Warrant Not Met (<11)	Warrant Not Met (<11)
	SB RT	AM Peak	Warrant Not Met	Warrant Not Met
		PM Peak	Warrant Not Met	Warrant Not Met

TABLE 5 – Summary of Turn Lane Warrant Analyses

CONCLUSIONS

2026 and 2036 volumes were developed for use in turn lane warrant analyses. The following is a summary of the conclusions:

2026/2036 'Build'

- S. Old State Road & Prop. Site Access
 - A left turn lane is not warranted.
 - A right turn lane is not warranted.

APPENDIX

DRAFT

Location Info					
Location ID	15 016N				
Type	I-SECTION				
Functional Class	URBAN MINOR ART				
Located On	S OLD STATE RD				
NORTH OF	ORANGE RD				
Direction	2-WAY				
Community	-				
MPO_ID					
HPMS ID					
Agency	MORPC				
Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2nd	3rd	4th	
00:00 - 01:00	11	10	18	12	51
01:00 - 02:00	12	8	9	9	38
02:00 - 03:00	12	9	1	4	26
03:00 - 04:00	6	4	11	8	29
04:00 - 05:00	12	15	13	22	62
05:00 - 06:00	23	36	45	77	181
06:00 - 07:00	85	125	160	168	538
07:00 - 08:00	225	247	275	295	1042
08:00 - 09:00	314	309	326	368	1317
09:00 - 10:00	296	236	233	232	997
10:00 - 11:00	180	223	235	234	872
11:00 - 12:00	215	242	251	309	1017
12:00 - 13:00	317	300	295	275	1187
13:00 - 14:00	312	275	286	277	1150
14:00 - 15:00	244	256	293	278	1071
15:00 - 16:00	329	345	360	361	1395
16:00 - 17:00	377	357	403	371	1508
17:00 - 18:00	416	452	447	454	1769
18:00 - 19:00	424	348	321	331	1424
19:00 - 20:00	276	276	309	291	1152
20:00 - 21:00	266	257	234	224	981
21:00 - 22:00	191	160	163	133	647
22:00 - 23:00	97	97	67	44	305
23:00 - 24:00	47	32	41	29	149
TOTAL					18908

Count Data Info	
Start Date	6/4/2024
End Date	6/5/2024
Start Time	12:00 AM
End Time	12:00 AM
Direction	2-WAY
Notes	
Count Source	
File Name	CR 010 (2024.06.04) Between E Orange Rd & Alum Crossing Dr.xls
Weather	
Study	
Owner	morpc
QC Status	Accepted

1777

1777

Location Info				
Location ID	15 016N_NB			
Type	I-SECTION			
Functional Class	URBAN MINOR ART			
Located On	S OLD STATE RD			
NORTH OF	ORANGE RD			
Direction	NB			
Community	-			
MPO_ID				
HPMS ID				
Agency	MORPC			

Count Data Info	
Start Date	6/4/2024
End Date	6/5/2024
Start Time	12:00 AM
End Time	12:00 AM
Direction	
Notes	
Count Source	
File Name	CR 010 (2024.06.04) Between E Orange Rd & Alum Crossing Dr.xls
Weather	
Study	
Owner	morpc
QC Status	Accepted

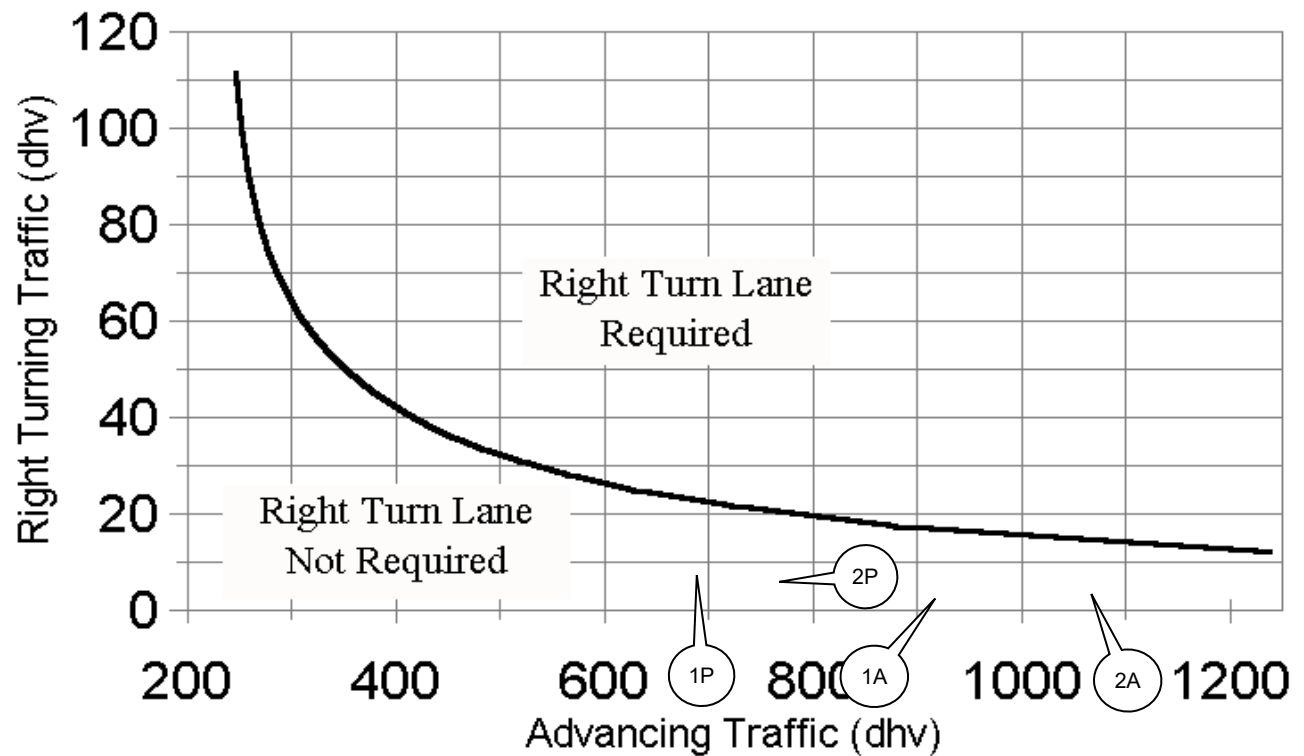
Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2nd	3rd	4th	
00:00 - 01:00	9	7	6	5	27
01:00 - 02:00	8	5	4	8	25
02:00 - 03:00	7	7	1	3	18
03:00 - 04:00	1	1	5	1	8
04:00 - 05:00	3	4	5	7	19
05:00 - 06:00	4	3	9	8	24
06:00 - 07:00	18	22	40	40	120
07:00 - 08:00	57	46	69	69	241
08:00 - 09:00	76	102	100	116	394
09:00 - 10:00	102	99	82	78	361
10:00 - 11:00	67	89	108	102	366
11:00 - 12:00	91	109	113	132	445
12:00 - 13:00	160	165	156	129	610
13:00 - 14:00	148	135	163	154	600
14:00 - 15:00	139	134	158	130	561
15:00 - 16:00	194	221	217	202	834
16:00 - 17:00	225	221	240	208	894
17:00 - 18:00	262	277	290	281	1110
18:00 - 19:00	257	194	174	203	828
19:00 - 20:00	156	158	179	148	641
20:00 - 21:00	143	147	142	120	552
21:00 - 22:00	93	94	85	69	341
22:00 - 23:00	66	61	45	22	194
23:00 - 24:00	29	18	22	17	86
TOTAL					9299

1105

1105

09.26.2025

09.26.2025



WARRANT SUMMARY

[illegible]

PREPARED BY: SMART

9/2025

APPENDIX

2 LANE HIGHWAY RIGHT TURN LANE WARRANT (> 40 MPH)



Delaware County Engineer

Chris Bauserman, P.E., P.S.

ORANGE TWP. ZONING
RECEIVED
09.26.2025

September 8, 2025

Robin Duffee
Orange Township
1680 East Orange Road
Lewis Center, Ohio 43035

**Re: Hidden Oaks
(6980 South Old State Road)**

Dear Mr. Duffee,

The Delaware County Engineer's Office (DCEO) has reviewed the proposed conceptual layout submitted to our office for the development known as Hidden Oaks (Wicks) located at 6980 South Old State Road, Lewis Center, Ohio 43035. The proposed conceptual layout appears to be generally feasible. Storm water management will be required to conform to current Delaware County Standards and is expected to be analyzed in more detail during the preliminary engineering phase.

Below are DCEO's comments

- 1) There is already a Hidden Oaks subdivision located on South Three B's and K Road in Berkshire Township. The subdivision name may be subject to revision by the Delaware County Regional Planning Commission.
- 2) A traffic impact study will be required.
- 3) Verify that street width, street radii, cul-de-sac radii, R/W, etc. meet the current engineering standards
- 4) An adequate drainage outlet(s) must exist for the proposed development. A detailed storm water management engineering report is required. Offsite drainage easements would need to be established and recorded prior to final plan approval.
- 5) South Old State Road is classified as a Minor Arterial and as such will require a minimum of a 120-ft. right-of-way. The plat should tentatively include 60 ft. R/W dedication from the centerline of the roadway.
- 6) Mailbox NDCBU locations should be considered as early as possible to avoid conflicts with utilities or other infrastructure. They are required to be shown on Preliminary Engineering Plans, but it would benefit all parties to show them on the Sketch Plan, Preliminary Plan, etc.

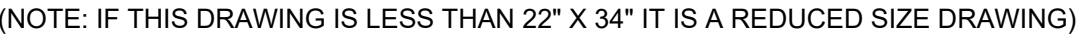
Please note that the reviewed plans are preliminary in nature and, therefore, only address the conceptual layout. Preliminary and final engineering plans will need to be submitted that comply with the current edition of the Delaware County Engineer's Design, Construction and Surveying Standards Manual. All variances from the Delaware County Design, Construction and Surveying Standards Manual are required to be requested and approved during the engineering design phase.

Thank you for the opportunity to comment on this proposal. Subject to the Township's approval, we will review the detailed engineering plans for this site.

Sincerely,

Chad Green, P.E.
Deputy Development Engineer

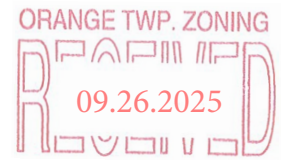
cc: Scott Sanders AICP, DCRPC
John Wicks, P.E.





Delaware County

Regional Sewer District



Director/Sanitary Engineer
Tiffany M. Maag, P.E.

September 19, 2025

John C. Wicks, P.E.
Real Property Design & Development LLC
15 N. Liberty Street
Powell, OH 43065

sent via email: john.wicks@rpddllc.com

Re: **Request for Sewer Capacity**
Hidden Oaks, Orange Township
Parcel(s): 31824001019000, 31824001018000

Dear John:

Pursuant to your request for a sanitary sewer service letter for the aforementioned parcels, we offer the following conditional sanitary sewer availability:

Availability

The Delaware County Sanitary Engineer's Office can confirm that public sanitary sewer is available to serve the above referenced parcels provided that the development obtain sanitary service via the existing 8" sanitary sewer on the south side of Jaxton Court. Extensions from the existing sanitary sewer will be necessary to provide service to the proposed development.

Capacity

Capacity is conditionally available to serve the proposed development. Capacity for the proposed development **is not reserved** until such time that all the requirements for the sewer extension or commercial tap permit have been fulfilled. Sewer capacity is dynamic and subject to decrease pending ongoing development.

If you should have any questions or concerns about this correspondence, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Thiel".

Kelly Thiel
Staff Engineer III

Officers

PAMALA L. HAWK
President
PERRY K. TUDOR
Vice President
ROBERT W. JENKINS
Secretary
G. MICHAEL DICKEY
Treasurer
GLENN MARZLUF
General Manager/CEO
BRIAN COGHLAN
Chief Operating Officer



6658 OLENTANGY RIVER ROAD

DELAWARE, OHIO 43015

www.delcowater.org

Phone (740) 548-7746 • (800) 521-6779

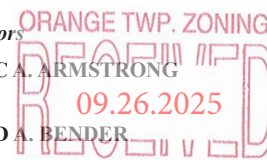
Directors

MARC A. ARMSTRONG
DAVID A. BENDER

DOUGLAS D. DAWSON

TIMOTHY D. MCNAMARA

MICHAEL (NICK) D. SHEETS



September 08, 2025

John Wicks:

Dear Mr. Wicks:

Please know that Del-Co Water can provide water service to the site described below upon payment of the required fees:

Proposed Land Use: Residential, Parcel 31824001018000 & 31824001019000

Location: 6980 S Old State, Lewis Center, OH 43035

Land Size: ±8.34 (combined) acres

This site can be served from an existing 12-inch waterline located along S. Old State Road. The developer may need to extend a minimum 6-inch waterline to the development property. An aerial map is attached to this letter.

This letter of water availability is valid for a period of one year from the date of this letter. Del-Co makes no guarantee of water availability beyond this period. Contact our Engineering Department if you have any questions on the plan review process, or our Customer Service Department for information on tap fees.

Sincerely,
DEL-CO WATER COMPANY, INC.

Cris Valenzuela
Engineer



© Latitude Geographics Group Ltd.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Inactive

6980 S Old State, Lewis C

Center OH
2025



An **AEP** Company

BOUNDLESS ENERGY™

AEP Ohio
700 Morrison Rd
Gahanna, OH 43230
AEPOhio.com

9/9/2025

John C. Wicks
Real Property Design & Development LLC
15 N Liberty St.
Powell, OH 43065

RE: AVAILABILITY OF ELECTRICAL SERVICE

Hidden Oaks

To Whom It May Concern:

This letter will confirm that American Electric Power has electric service facilities adjacent to your new project. These facilities will be made available to serve your project with some Contribution-In-Aid-To-Construction charged to the project developer.

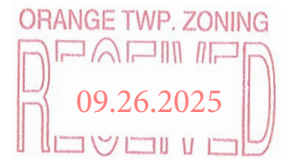
Our records indicate your project; a ±23-unit residential development is located West of S. Old State Rd. and South of Greenspire Dr., Parcels 31824001018000 and 31824001019000 in Orange Township, Delaware County, Ohio.

American Electric Power anticipates providing your new project the best possible service. I look forward to working with you and remain available to coordinate your project needs. Please contact me to discuss any questions you may have or other assistance you may require.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob Spitznogle", written in a cursive style.

Jacob Spitznogle
Customer Design Technician



SUBURBAN NATURAL GAS COMPANY

ESTABLISHED 1882

ORANGE TWP. ZONING
211 FRONT STREET, P.O. BOX 130
CYGNET, OHIO 43012-0130
(419) 655-2345
FAX: (419) 655-2274
2626 LEWIS CENTER ROAD
LEWIS CENTER, OHIO 43035-9206
(740) 548-2450
FAX: (740) 549-4939

Current Date 9/9/2025

Real Property Design & Development LLC
15 N. Liberty St.
Powell, Ohio
43065

RE: Hidden Oaks

Dear John,

In response to your request for natural gas service availability to the approximately 8.34 acres located on the West of Old State Rd and North of Orange Rd. containing 23 lots

Orange Township Delaware County, Ohio, Suburban Natural Gas Company does have natural gas service available to the above described location.

As always, natural gas service to the area as well as any other served or to be served by Suburban Natural Gas Company is subject to the terms and conditions of our PUCO tariff.

We look forward to working with you on the proposed project. If you have any questions, feel free to contact me directly.

Cordially,



Aaron Roll
Vice President
System Development

AR/hc

cc: D. Joseph Pemberton

Space reserved for Auditor, Engineer and Recorder

**DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATION OF EASEMENTS
FOR
ORANGE COVE**

Declarant, **JOHN C. WICKS**, an Ohio individual, is the owner of certain real estate in Berlin Township, Delaware County, Ohio, described in Exhibit "A", attached hereto and incorporated herein (hereinafter referred to as "Property").

Declarant hereby declares that the Property shall be held, sold and conveyed subject to the covenants, conditions, restrictions and reservation of easements herein and to the provisions of Chapter 5312 of the Ohio Revised Code, the Ohio Planned Community Act. This Declaration is for the purpose of protecting the value and desirability of and which shall run with the Property submitted hereunder or which may subsequently be added, and shall be binding on all parties having any right, title or interest in the Property, its successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

- 1.1. Act.** "Act" means Chapter 5312 of the Ohio Revised Code, the Ohio Planned Community Act, and as the same is subsequently amended.
- 1.2. Additional Land.** "Additional Land" means the property described in Exhibit "B" which may be made subject to this Declaration pursuant to Article XII.
- 1.3. Allocated Interests.** "Allocated Interests" means the Common Expense Liability and votes in the Association as set forth in Article III.
- 1.4. Assessments.** "Assessments" means those charges upon the Lots established by Article VII of this Declaration.
- 1.5. Association.** "Association" means Orange Cove Association, Inc., an Ohio nonprofit corporation, its successors and assigns. Except as the context otherwise requires "Association" shall mean the Board of Directors acting on behalf of the Association.
- 1.6. Board.** "Board" shall mean the Board of Directors of the Association.

Space reserved for Auditor, Engineer and Recorder

1.7. Builder. "Builder" means any person or entity (including the Declarant) who acquires a Lot for the purpose of improving that Lot and erecting a Dwelling Unit thereon for resale to an Owner.

1.8. Code of Regulations. "Code of Regulations" means the regulations adopted for the Association in accordance with Chapter 1702 of the Ohio Revised Code and shall be the "bylaws" required pursuant to the Act. A copy of the current Code of Regulations is attached as Exhibit C.

1.9. Common Elements. "Common Elements" shall mean any real estate owned or leased by the Association other than a Lot, including easements in favor of the Association.

1.10. Common Expense Liability. "Common Expense Liability" means the liability for Common Expenses allocated to each Lot pursuant to Article III, of this Declaration.

1.11. Common Expenses. "Common Expenses" means expenditures made by, or financial liabilities of, the Association, together with any allocations to reserves.

1.12. Declarant. "Declarant" means John C. Wicks, its successors and assigns.

1.13. Declarant Control Period. "Declarant Control Period" means the period of time that the Declarant may appoint members of the Board of Directors and the officers of the Association as set forth in Article XIII.

1.14. Declaration. "Declaration" means this Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Orange Cove Association, Inc., including any amendments hereto.

1.15. Development Period. "Development Period" means the period commencing on the date of recording of this Declaration and ending on the date fifteen (15) years thereafter within which the Declarant has the right to submit Additional Land to the terms of this Declaration.

1.16. Development Rights. "Development Rights" means those rights reserved by the Declarant in Article XII.

1.17. Dwelling Unit. "Dwelling Unit" means a detached building designed and intended for use and occupancy as a single-family residence.

1.18. Lot. "Lot" means the physical portion of the Property designated for separate ownership or occupancy, the boundaries of which are described pursuant to Article II, Section 2.1.

1.19. Member. "Member" means any person or entity entitled to membership in the Association as provided herein.

Space reserved for Auditor, Engineer and Recorder

1.20. Occupant. "Occupant" means any person in possession of a Lot or Dwelling Unit whether or not such possession is lawful and shall include but not be limited to, an Owner's family members, guests, invitees, tenants and lessees.

1.21. Owner. "Owner" means the Declarant or other person or entity who owns a Lot, but does not include a person or entity having an interest in a Lot solely as security for an obligation.

1.22. Property. "Property" means the real estate described in Exhibit "A" attached hereto and any other property, which may be made subject to the terms of this Declaration, together with any improvements, made thereon.

1.23. Record Plan. "Record Plan" means the record plat for Orange Cove Subdivision and any subsequent plats or replats thereof.

1.24. Special Declarant Rights. "Special Declarant Rights" means those rights reserved by the Declarant in Article XIII.

1.25. Supplemental Declaration. "Supplemental Declaration" shall mean an amendment or supplement to this Declaration executed by or consented to by Declarant which imposes, expressly or by reference, additional restrictions and obligations on the land described therein, or designates property as Common Elements. The term shall also refer to the instrument recorded by the Association pursuant to Article XII, Section 12.1, of this Declaration to subject Additional Property to this Declaration.

1.26. Surface Water Management System. "Surface Water Management System" shall mean the system designed for the Property by the Declarant for storm water, soil erosion and sediment control. Such system shall include all existing watercourses, ditches, retention basins and swales located in the Property.

ARTICLE II

LOTS

2.1. Types of Lots. Initially there shall be two types of Lots within the Property, which are described as follows:

2.1.1. Lots. These Lots shall be fee simple lots for the construction and occupation of a detached single-family Dwelling Unit.

2.1.2. Reserve Areas. Lots owned by the Association for open space.

Space reserved for Auditor, Engineer and Recorder

2.2. Description of Lot Boundaries. The boundaries of the Lots shall be those as set forth on the Record Plan.

ARTICLE III

ALLOCATION OF ALLOCATED INTERESTS

3.1. Common Expense Liability. The allocation of Allocated Interests for Common Expense Liability shall be determined in accordance with the allocation of the various assessments as set forth in Article VII, Section 7.8.

3.2. Votes in the Association. The allocation of Allocated Interests for voting purposes shall be one vote per Lot.

ARTICLE IV

COMMON ELEMENTS AND EASEMENTS

4.1. Description. The Common Elements shall be any portion of the Property owned by the Association in fee or by easement or leased to the Association

4.2. Easements. The Property shall be subject to certain easements. These easements shall be appurtenant to and pass with the title to the Lots.

4.2.1. Enjoyment. The Common Elements shall be subject to an easement of enjoyment in favor of the Lots and Owners. Such easement shall be limited to the purposes for which the easements are created. Nothing herein shall be construed to provide any right of access to the Lots by any persons who are not Owners thereof.

4.2.2. Access. The Common Elements shall be subject to permanent non-exclusive easements for ingress and egress in favor of the Lots. This non-exclusive easement is granted to the Owners of all Lots, Occupants, their guests and invitees, and to all police, fire and other emergency personnel, and to all similar persons, and to the local governmental authorities, but not to the public in general, to enter upon the Common Elements in the performance of their duties.

4.2.3. Drainage. The Lots shall be subject to easements in favor of the Lots benefited for Surface Water Management as further defined in Article V. No Owner shall do anything on or within a Lot or Dwelling Unit that shall unreasonably increase the flow of surface water.

Space reserved for Auditor, Engineer and Recorder

4.2.4. Orange Township; Delaware County. A non-exclusive easement is granted to Orange Township and Delaware County, and to all police, fire and other emergency personnel, ambulance operators, delivery, garbage and trash removal personnel, and to all similar persons, and to the local governmental authorities, but not to the public in general, to enter upon the Common Elements and the Surface Water Management System in the performance of their duties.

4.3. Owner's Delegation Rights. Any Owner may delegate his or her easement rights and rights of enjoyment to the Common Elements to any Occupants, and any guests, invitees, tenants or lessees thereof. Any Owner who has leased his or her Lot shall be deemed to have delegated such rights. Any such delegation, however, shall in accordance with and subject to reasonable rules, regulations and limitation as may be adopted by the Association in accordance with its Code of Regulations.

4.4. Limitation on Common Elements and Easements. All Common Elements, easements and rights granted herein are subject to:

4.4.1. Restrictions set forth in this Declaration and any Supplemental Declaration.

4.4.2. Easements set forth on the Record Plan

4.4.3. Any rules and regulations adopted by the Association and the right to enforce such rules and regulations.

4.4.4. The right of the Association to levy assessments for the Common Expenses, and other assessments as set forth herein.

4.4.5. The right of the Declarant and the Association to amend the Record Plan and to grant further rights and easements within, upon, over, under, and across the Common Elements for the benefit of the Owners, the Association or Declarant. The Association, however, shall have no right to amend the Record Plan with respect to the Lots.

4.4.6. The Common Elements cannot be mortgaged or conveyed without the consent of two-thirds of the Owners, excluding the Declarant. A conveyance or encumbrance of the Common Elements shall not deprive any Lot or Dwelling Unit of its rights of access nor affect the priority of validity of pre-existing encumbrances. During any Declarant Control Period as set forth in Article XIII, no portion of the Common Elements can be dedicated without the prior approval of the Federal Housing Administration or the Veterans Administration, if either such agency is insuring or guaranteeing the mortgage on any Lot.

4.4.7. If access to any residence is through the Common Elements, any conveyance or encumbrance of such area is subject to the Lot Owner's easement.

4.4.8. All rights granted to the Association in this Declaration.

4.4.9. Development rights and Special Declarant Rights as set forth in Articles XV and XVII.

ARTICLE V

SURFACE WATER MANAGEMENT

5.1. Surface Water Management System. The Surface Water Management System shall consist of the "Drain. Esmt." as shown on the Record Plan. Berlin Township and Delaware County, Ohio shall maintain and administer the Surface Water Management System in accordance with the guidelines as may be promulgated from time to time.

5.2. Surface Water Management System Easements. Each Lot shall be subject to and shall be benefited by an easement for storm sewers, drainage and surface water management as more particularly shown on the Record Plan. Such easement shall be non-exclusive as to the Owners and shall run to Orange Township and Delaware County, which have control and responsibility for drainage and surface water management. Such easement, however, shall not run to the public at large.

5.3. Access to Lots. For the purpose solely of performing the maintenance required or authorized herein, Orange Township and Delaware County, through their duly authorized agents or employees, or subcontractors, shall have the right, after reasonable notice to the Owner, to enter upon the Lot at reasonable hours on any day.

5.4. Individual Maintenance. Each Owner shall maintain that portion of the Surface Water Management System, which serves only that Owner's Lot.

5.5. Retention Basin Maintenance. The Association shall have primary responsibility for the maintenance of the retention basins, including any pipes, concrete gutters or mechanical devices, including vegetation control and debris removal.

5.6. Restrictions on Use. No Owner shall use or permit any other persons to use the Surface Water Management System in any manner which would constitute a nuisance, hazard or unsanitary condition or be in violation of any local, state, or federal law ordinance, rule, regulation or statute. No use of the retention basins including, without limitation, fishing, swimming, boating, playing, or use of personal flotation devices, shall be permitted. The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of the retention basin. No buildings, sheds, decks, pools or other such structures, or the footers or foundations of any structures or features shall be constructed above or within the limits of any drainage easement unless approved in writing by the Delaware County Engineer's Office.

Space reserved for Auditor, Engineer and Recorder

ARTICLE VI

OWNERS ASSOCIATION

6.1. Formation. The Declarant has caused or will cause to be chartered a nonprofit corporation named Orange Cove Association, Inc. and shall be the “owners association” as defined in Section 5312.01 (L) of the Act. The purposes for the Association are to provide for the administrative governance, maintenance and upkeep of the Property and to promote the health, safety, and welfare of the Owners and Occupants of the Property.

6.2. Membership. The membership of the Association shall at all times consist exclusively of Owners of the Lots. All such Owners shall be members. Membership shall be appurtenant to and may not be separated from such ownership.

6.3. Powers of the Association. Subject to Special Declarant Rights hereinafter set forth, the Association may:

6.3.1. Hire and fire managing agents, attorneys, accountants, and other independent professionals and employees that the board determines are necessary or desirable in the management of the property and the association;

6.3.2. Commence, defend, intervene in, settle, or compromise any civil, criminal, or administrative action or proceeding that is in the name of, or threatened against, the association, the board of directors, or the property, or that involves two or more owners and relates to matters affecting the property;

6.3.3. Enter into contracts and incur liabilities relating to the operation of the property;

6.3.4. Enforce all provisions of the declaration, bylaws, covenants, conditions, restrictions, and articles of incorporation governing the lots, common elements, and limited common elements;

6.3.5. Adopt and enforce rules that regulate the maintenance, repair, replacement, modification, and appearance of common elements, and any other rules as the declaration provides;

6.3.6. Acquire, encumber, and convey or otherwise transfer real and personal property, subject to section 5312.10 of the Act;

6.3.7. Hold in the name of the owners association the real property and personal property;

6.3.8. Grant easements, leases, licenses, and concessions through or over the common elements;

6.3.9. Levy and collect fees or other charges for the use, rental, or operation of the common elements or for services provided to owners;

Space reserved for Auditor, Engineer and Recorder

6.3.10. Pursuant to section 5312.11 of the Act, levy the following charges and assessments:

6.3.10.1. Interest and charges for the late payment of assessments;

6.3.10.2. Returned check charges;

6.3.10.3. Enforcement assessments for violations of the declaration, the bylaws, and the rules of the owners association;

6.3.10.4. Charges for damage to the common elements or other property.

6.3.11. Adopt and amend rules that regulate the collection of delinquent assessments and the application of payments of delinquent assessments;

6.3.12. Impose reasonable charges for preparing, recording, or copying the declaration, bylaws, amendments to the declaration and bylaws, resale certificates, or statements of unpaid assessments;

6.3.13. Authorize entry to any portion of the planned community by designated individuals when conditions exist that involve an imminent risk of damage or harm to common elements, another Dwelling Unit, or to the health or safety of the occupants of that Dwelling Unit or another Dwelling Unit;

6.3.14. Subject to division (A)(1) of section 5312.09 of the Act, borrow money and assign the right to common assessments or other future income to a lender as security for a loan to the Association;

6.3.15. Suspend the voting privileges and use of recreational facilities of an Owner who is delinquent in the payment of assessments for more than thirty days;

6.3.16. Purchase insurance and fidelity bonds the Directors consider appropriate and necessary;

6.3.17. Invest excess funds in investments that meet standards for fiduciary investments under the laws of the State of Ohio;

6.3.18. Exercise powers that are any of the following:

6.3.18.1. Conferred by the declaration or bylaws;

6.3.18.2. Necessary to incorporate the Association as a nonprofit corporation;

6.3.18.3. Permitted to be exercised in this state by a nonprofit corporation;

6.3.19. Necessary and proper for the government and operation of the Association.

6.4. Voting Rights. Subject to Special Declarant Rights as set forth in Article XIII, Owners shall be entitled to vote on matters properly before them in accordance with this Article, the Code of Regulations and the laws of the State of Ohio.

Space reserved for Auditor, Engineer and Recorder

6.5. Number of Votes. Each Lot shall have one vote. If only one of several Owners for a Lot is present at a meeting of the Association, that Owner is entitled to cast the vote allocated to that Lot. If more than one of the Owners is present, the vote allocated to that Lot may be cast only in accordance with the agreement of a majority in interest of the Owners. There is majority agreement if any one of the Owners casts the vote allocated to that Lot without protest being made promptly to the person presiding over the meeting by any of the other Owners of the Lot. The Association may adopt rules regarding deadlocks. No votes allocated to any Lots owned by the Association may be cast.

6.6. Proxies. A vote allocated to a Lot may be cast pursuant to a proxy duly executed by an Owner. If a Lot is owned by more than one person, each Owner of the Lot may vote or register protest to the casting of votes by the Owners of a Lot through a duly executed proxy. An Owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the Association. A proxy is void if it is not dated or purports to be revocable without notice. Except as hereinafter provided, a proxy shall terminate one year after its date, unless it specifies a shorter time. Written notice to the Board or notice in a meeting of a revocation of a proxy designation shall not affect any vote or act previously taken. Each proxy shall automatically cease upon conveyance of the Lot.

Unless expressly reserved and the Association is notified of such reservation, a land contract vendee shall be deemed the proxy of a land contract vendor for purposes of this section.

6.7. Annual Meeting. A meeting of the Members of the Association must be held at least once each year.

6.8. Management Agent. The Board may employ for the Association a professional management agent or agents at a compensation established by the Board to perform such duties and services as the Board shall authorize. The Board may delegate to the managing agent or manager, subject to the Board's supervision, certain powers granted to the Board by this Declaration. The Declarant, or an affiliate of the Declarant, may be employed as a managing agent or manager.

No management contract may have a term in excess of three (3) years and must permit termination by either party without cause and without termination fee on ninety (90) days or less written notice.

ARTICLE VII

ASSESSMENTS

7.1. Establishment of Assessments. There are hereby established for the benefit of the Association, its successors and assigns, as a charge on each Lot, certain Assessments for Common Expenses, and other expenses. Each Owner, by acceptance of a deed, covenants and agrees to pay such Assessments.

7.2. Purpose of the Assessments. The Assessments are established for the benefit and use of the Association and shall be used in covering the costs of the Common Expenses and for other such purposes as hereinafter set forth.

7.3. Annual General Assessment. There is hereby established an Annual General Assessment levied against all Lots for the purpose of the Common Expenses of the Association. The Common Expenses shall be, but not limited to, (1) operation, maintenance, repair and replacement as required by this Declaration; (2) the cost of any insurance required by this Declaration; (3) reasonable reserves for contingencies and replacement; and (4) administrative, accounting, legal and management fees; (5) all other costs and liabilities incurred by the Association in the exercise of its powers and duties pursuant to this Declaration.

7.4. Individual Assessment. The Association shall have the right to assess an individual Lot for any of the following:

7.4.1. any costs incurred by the Association in the performance of any maintenance in accordance with Article VIII, Section 8.4.

7.4.2. any charges or fines imposed or levied in accordance with Article IX, Section 9.3.1.1.

7.4.3. subject to the provisions of Section 7.6, any costs incurred for maintenance or repair caused through the willful or negligent act of an Owner or Occupant or their family, tenants, guests or invitees, including attorney fees, court costs and other expenses incurred.

7.4.4. subject to the provisions of Section 7.6, any costs associated with the enforcement of this Declaration or the Rules and Regulations of the Association, including, but not limited to attorneys fees, witness fees and costs, and court costs.

7.4.5. any costs or charges permitted by this Declaration, any Supplemental Declarations, amendments, or the Code of Regulations to be charged or assessed as an Individual Assessment.

7.5. Procedures for Imposing an Individual Assessment for Damages or Enforcement.

7.5.1. Notice. Prior to imposing a Individual Assessment for damages pursuant to Section 7.5.3, or for enforcement pursuant to Section 7.5.4, the Board shall give the Owner written notice containing:

7.5.1.1. a description of the property damaged or the violation;

7.5.1.2. The amount of the proposed Individual Assessment;

Space reserved for Auditor, Engineer and Recorder

7.5.1.3. A statement that the owner has a right to a hearing before the Board to contest the proposed Individual Assessment;

7.5.1.4. A statement setting forth the procedures to request a hearing pursuant to Section 7.6.2; and

7.5.1.5. A reasonable date by which the Owner must cure the violation to avoid the proposed Individual Assessment.

7.5.2. Hearing. An Owner may request a hearing by delivering written notice of such request no later than the tenth day after receiving the notice provided in Section 7.6.1 of this Article. If the Owner fails to make a timely request for a hearing, the right to such hearing shall be considered waived, and the Board may immediately impose the Individual Assessment referenced in the notice provided above, or may allow a reasonable time to cure the violation before imposing a Individual Assessment. If an Owner requests a hearing, the Board shall not levy the Individual Assessment before holding a hearing, and will, at least seven days prior to the hearing; provide the Owner with a written notice of the date, time and location of the hearing. Within 30 days following a hearing at which the Board imposes a Individual Assessment, the Board shall deliver a written notice of the Individual Assessment to the Unit Owner.

7.5.3. Manner of Notice. Any notice required under this Section to be served:

7.5.3.1. upon the Owner shall be delivered personally to the Owner or Occupants at the Lot or Dwelling Unit, or mailed (by certified mail, return receipt requested) to the Owner at the address of the Lot, provided that if the Owner has provided the Association with an alternate address, all such notices shall be mailed (by certified mail, return receipt requested) to the Owner at such alternative address.

7.5.3.2. upon the Association shall be delivered personally to any officer of the Association or to any on-site representative of any professional management company hired by the Association; or mailed (by certified mail, return receipt requested) to any officer of the Association or to the management company hired by the Association.

7.6. Working Capital Fund; Initial Assessment. At the time of closing of a Lot from Builder, the purchaser of such Lot shall be assessed the sum of \$150.00 for each Dwelling Unit to be constructed as initial capital contribution to the working capital fund of the Master Association. These Assessments shall be used by the Association for its operating expenses. Such Assessment is not an advance payment of the Annual General Assessment, and it will not be held in any sort of trust or reserve account.

Space reserved for Auditor, Engineer and Recorder

7.7. Special Assessment. There is hereby established a Special Assessment for the purpose of repairing or restoring damage or destruction to the Common Elements as further set forth in Article X.

7.8. Computation and Payment of Annual General Assessment. The Annual General Assessment shall be computed and levied in accordance with the budget adopted by the Board pursuant to the Code of Regulations. This Assessment shall be effective as to each Lot on the first day of the Association's fiscal year. The initial Annual General Assessment as to each Lot shall commence on the first day of the month following the earlier of (i) its conveyance to an Owner other than a Builder; or (ii) occupation of the Dwelling Unit. The initial Annual General Assessment shall be prorated on a monthly basis to the end of the Master Association's fiscal year, and shall be collected at closing of the conveyance of the Lot from the Builder. So long as there has been no default in payment of the Assessment, it shall be payable in annual installments due on the first day of each fiscal year. The Board shall have the power from time to time to adopt such billing, collection and payment procedures, charges and other payment time schedules, as it deems appropriate.

7.9. Maximum Annual Assessment. Beginning with the recording of this Declaration and until December 31, 2019, the maximum Annual General Assessment shall be \$600.00. Beginning with Assessments levied as of January 1, 2020, and annually thereafter, the Board, without a vote of the Owners, may increase or decrease the Annual General Assessment. If the Board increases the Annual General Assessment, then, within Thirty (30) days of notice of such increase, Members in good standing exercising Twenty-five (25%) percent of the voting power of the Association, may petition the Board for a special meeting of the Association to reconsider such increase. At such meeting, the Members in good standing, in person or by proxy, exercising sixty-six and two thirds (66 2/3%) percent of voting power of the Master Association, may vote to reduce the increase by any amount therein proposed, but not lower than the previous years maximum amount.

7.10. Allocation of Assessments. The Common Expense Liability of each Lot shall be its portion of the Common Expense. The Common Expense Liability and the Annual General Assessment shall be allocated equally to each Lot. The other Assessments shall be allocated as applicable to the respective Lots and as determined by the Board.

7.11. Lien for Assessments. The Association shall have a lien for any Assessment levied against a Lot, for fines imposed against an Owner or Occupant, and for interest, costs and reasonable attorney fees.

7.11.1. Creation. The lien for Assessments is created by this Declaration and shall be a charge and a continuing lien on each Lot, which shall run with the land. All persons or entities acquiring an interest in a Lot after the filing of this Declaration take such interest subject to the lien.

Space reserved for Auditor, Engineer and Recorder

7.11.2. Effective Dates. The lien for the Common Expense Liability for each Lot as set forth in the Annual General Assessment shall be effective on the first day of the fiscal year of the Association. The lien for other Assessments shall be effective on the first day of the month following the notice of it levy on the Owners affected.

7.11.3. Perfection. Recording of this Declaration constitutes notice and perfection of the Lien.

7.11.4. Notice of Lien. The Association shall file a notice of lien with the Recorder of Delaware County.

7.11.5. Priority of the Lien. The lien created by this Section shall be prior to all liens and encumbrances recorded subsequent to this Declaration except the lien for real estate taxes and assessments and the lien of any bona fide first mortgage filed of record.

7.11.6. Subordination and Mortgagee Protection. Notwithstanding any of the provisions hereof to the contrary, the lien of any Assessment levied pursuant to this Declaration (and any late charges, interest, costs and attorney fees) shall be subordinate to, and shall in no way affect the rights of the holder of a first mortgage made in good faith for value received; provided, however, that such subordination shall apply only to Assessments, or installments thereof, which have become due and payable prior to the date of Sheriff's sale of such Lot pursuant to a foreclosure or the date of a deed in lieu of foreclosure. Such sale or transfer shall not relieve the mortgagee or the purchaser of a Lot at such sale from liability for any Assessments thereafter becoming due, nor from the lien of any such subsequent Assessment. Mortgagees are not required to collect Assessments on behalf of the Association. Failure to pay Assessments shall not constitute a default under any mortgage insured by FHA/VA.

7.11.7. Extinguishment of the Lien. A lien for unpaid Assessments is extinguished unless proceedings to enforce it are instituted within five (5) years after the full amount of the Assessment becomes due. If an Owner of a Lot subject to a lien files a petition for relief under the United States Bankruptcy Code, then the period of time to enforce the Association's lien shall be tolled until thirty (30) days after the automatic stay under Section 362 of the Bankruptcy Code is lifted.

7.11.8. Estoppel Certificate/Status Letter. Upon request of any mortgagee or Owner and upon payment in full of all Assessments and other charges permitted by this Declaration that are due to the Association, the Association shall execute and deliver to such mortgagee or Owner an Estoppel Certificate/Status Letter. The Association may charge a reasonable fee for the preparation of such certificate.

7.12. Delinquency and Acceleration. Any installment of an Assessment provided for by this Declaration shall become delinquent if not paid on the due date as established by this Declaration

Space reserved for Auditor, Engineer and Recorder

or by the Board. With respect to each installment of an Assessment not paid within five (5) days of its due date, the Board may, at its election, require the Owner to pay a reasonable late charge, costs of collection, reasonable attorney fees and interest at the rate provided in Section 1343.03 of the Ohio Revised Code (and as amended from time to time). Interest shall be calculated from the date of delinquency to the date full payment is received by the Association. If any installment of an Assessment is not paid within thirty (30) days of its due date, the Board may, at its election, declare all of the unpaid balance of the Assessment immediately due and payable without further notice or demand to the Owner. The Association may enforce the collection of the full Assessment and all charges thereon in any manner authorized by law or this Declaration. The filing of any petition for relief pursuant to the United States Bankruptcy Code by an Owner whose Assessment has been accelerated shall operate as a restoration of the Assessment to its prior status as if it has not been accelerated.

7.13. Remedies Cumulative. A suit to recover money judgment for unpaid Assessments and charges may be maintained without foreclosing or waiving the right to enforce the lien. A foreclosure may be maintained notwithstanding the pendency of any suit to recover a money judgment.

7.14. Personal Obligation. The Assessments, including fines, if any, payable by each Owner, together with any penalty, interest, costs and reasonable attorney fees shall be the personal obligation of the Owner of the Lot at the time incurred. The personal obligation shall not pass to any successors in title unless expressly assumed by them.

7.15. Statement of Unpaid Assessments. The Association shall upon written request of the Owner, contract purchaser, or first mortgagee, furnish a statement setting forth the amount of unpaid Assessments against the Lot. This statement must be furnished within ten (10) business days after receipt of the request and is binding on the Association, the Board and every Owner. The Association may charge a reasonable amount for this statement.

7.16. No Waiver of Liability for Common Expenses. No Owner may exempt himself or herself from liability for payment of the Common Expenses by waiver of the use or enjoyment of the Common Elements or by abandonment of the Lot against which the Assessments are made.

ARTICLE VIII

UPKEEP OF THE PROPERTY

8.1. Lots. Each and every Lot, its Dwelling Unit and any improvement erected thereon shall be maintained in a reasonable manner in accordance with the standard generally prevailing throughout the Properties and as may be set forth in a Supplemental Declaration.

Space reserved for Auditor, Engineer and Recorder

8.2. Common Elements. Except as may be expressly provided in any Supplemental Declaration, easement or contract, the Association shall maintain the Common Elements.

8.3. Association's Right to Maintain. In the event that an Owner shall fail to provide maintenance as required by this Declaration in a manner satisfactory to the Association, and such Owner has failed to comply for ten (10) days after being so notified of such failure and upon being provided an opportunity to be heard concerning such failure, then the Association shall have the right, through its agents and employees, to enter upon said Lot and repair, maintain and restore the Lot. In the event that such failure poses a health, safety or security risk, then no notice or hearing need be given. The cost of such maintenance and repair shall be assessed against the subject Lot in accordance with Article VII, Section 7.5.

8.4. Access to Lots. For the purpose solely of performing the maintenance required or authorized herein, the Association, through its duly authorized agents or employees, or subcontractors, shall have the right, after reasonable notice to the Owner, to enter upon any Lot at reasonable hours on any day.

ARTICLE IX

RESTRICTIONS

9.1. Use and Occupancy. The following restrictions are applicable all Lots with respect to the use and occupancy of the Property. Other restrictions applicable to each Neighborhood shall be set forth in a Supplemental Declaration.

9.1.1. Compliance with Laws. No improper, offensive or unlawful use shall be made of the Property or any part thereof, and all valid laws, zoning ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations or requirements of any governmental agency having jurisdiction thereof relating to any portion of the Property shall be complied with, by and at the sole expense of the Owner.

9.1.2. Harmful Discharges. There shall be no emissions of dust, sweepings, dirt, cinders, odors, gases or other substances into the atmosphere (other than normal residential chimney emissions), no production, storage or discharge of hazardous wastes on the Property or discharges of liquid, solid wastes or other harmful matter into the ground or any body of water, if such emission, production, storage or discharge may adversely effect the use or intended use of any portion of the Property or may adversely effect the health, safety or comfort of any person. No waste nor any substance or materials of any kind shall be discharged into any public sewer or the Surface Water Management System serving the Property or any part thereof in violation of any regulation of any public body having jurisdiction over such public sewer, or Surface Water Management System.

Space reserved for Auditor, Engineer and Recorder

9.1.3. Noise. No person shall cause any unreasonably loud noise (except for security devices) anywhere on the Property, nor shall any person permit or engage in any activity, practice or behavior for the purpose of causing annoyance, discomfort or disturbance to any person lawfully present on any portion of the Property.

9.1.4. Signs. No signs of any character shall be erected, posted or displayed upon the Property, except: (i) marketing signs installed by the Declarant or any Builder while actively marketing the Lots for sale; (ii) street and identification signs installed by the Association or the Declarant; (iii) temporary signs and security signs as set forth in the Design Guidelines; (iv) reasonably sized political signs installed in accordance with the time frames and size limits set forth in the Design Guidelines, and (v) one temporary real estate sign not to exceed six square feet in area advertising that such Lot is for sale.

9.1.5. No Trade or Business. No trade or business of any kind may be conducted in or from any Lot or Dwelling Unit except that an Owner or Occupant of a Lot or Dwelling Unit may conduct such business activity within the Lot or Dwelling Unit so long as: (a) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from the exterior of the Lot or Dwelling Unit; (b) the business activity conforms to all zoning requirements for the Property; (c) the business activity does not involve persons coming on to the Lot who do not reside in the Property; and (d) the business activity is consistent with the residential character of the Property.

The terms "business" and "trade" as used in this provision shall be construed to have their ordinary generally accepted meanings and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation or other form of consideration, regardless of whether (i) such activity is engaged in full-time or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof. The term "trade" or "business" for purposes of this restriction shall not include the construction, operation and maintenance of any model home or homes and sales offices by any Builder during reasonable hours.

9.1.6. Trash. Except in connection with construction activities, no burning of any trash and no accumulation or storage of litter, refuse, bulk materials, building materials or trash of any other kind shall be permitted on any Lot. Trash containers (except during construction) shall not be permitted to remain in public view except on days of trash collection. No incinerator shall be kept or maintained upon any Lot.

9.1.7. Parking; Vehicle Repairs. Except in connection with construction activities, trucks, trailers, campers, recreational vehicles, boats and other large vehicles may be parked on the Property only if in garages. No junk or derelict vehicle or other vehicle on which current registration plates are not displayed shall be kept upon any portion of the Property. Vehicle repairs and storage of vehicles are permitted on the Property only if in garages. Recreational vehicles and

Space reserved for Auditor, Engineer and Recorder

boats may be parked in the driveways for a period not to exceed seventy-two (72) hours for the purpose of cleaning, loading or unloading.

9.1.8. Animals. The maintenance, keeping, boarding or raising of animals, livestock, poultry or reptiles of any kind, regardless of number, is prohibited on any Lot. The keeping of guide animals and two (2) orderly domestic pets (e.g., dogs and cats) is permitted. No pets shall be kept or maintained for commercial purposes or for breeding. No external compound cages, kennels or hutches shall be permitted. Each Owner shall be responsible to clean up after their pets in the Common Elements.

Any pet causing or creating a nuisance, unsanitary conditions, unreasonable disturbance or noise may be permanently removed from the Property upon ten (10) days written notice from the Board. Pets shall not be permitted on the Common Elements unless accompanied by someone who can control the pet and unless carried or leashed. Any Owner or Occupant who keeps or maintains any pet on any portion of the Property shall be deemed to have indemnified and agreed to hold the Association harmless from any loss, claim or liability of any kind or character whatever arising by reason of keeping or maintaining such pet within the Property. All pets which may leave the Dwelling Unit or Lot must be inoculated as required by law.

9.1.9. Open Fires. Open burning is not permitted on the Property, except that outdoor fireplaces, grills, and chimneys may be used if equipped with fire screens to prevent the discharge of embers or ashes.

9.1.10. Outdoor Boilers/Stoves/Furnaces An accessory structure designed and intended, through the burning of wood or other solid fuel, for the purpose of heating the principal structure or any other site, building, or structure on the premises are not permitted on the Property.

9.1.11. Clothes Drying. No outdoor clothes drying apparatus may be placed on any Lot.

9.1.12. Tree Preservation Zones. Areas delineated as Tree Preservation Zones on the Record Plan shall remain undisturbed and to be left in their natural state with the following exceptions:

9.1.12.1. Removal of dead and/or dying trees or vegetation, and

9.1.12.2. Minor grading to correct drainage issues.

9.2. Architectural Restrictions. The following architectural restrictions shall be applicable to all Lots. Other restrictions applicable to each Neighborhood shall be set forth in a Supplemental Declaration.

Space reserved for Auditor, Engineer and Recorder

9.2.1. Plan Approval. No structure shall be placed, erected or installed upon any Lot, no construction (which term shall include within its definition staking, clearing, excavation, grading, and other site work), no exterior alteration or modification of existing improvements, and no plantings or removal of plants, trees, or shrubs shall take place until the requirements of this section have been fully met. Prior to any construction, the Owner or Builder shall first submit to the Declarant (which for the terms of this section shall include its designee) a complete set of building plans for the proposed construction. The Declarant shall approve, reject or modify such plans in a writing sent to the Owner or Builder in question not more than thirty (30) days after the plans are submitted to the Declarant. The thirty (30) day period shall commence upon execution of a written notice by the Declarant acknowledging receipt of plans and specifications and all information required therewith. The Declarant shall review the plans as to the quality of workmanship and design and harmony of external structures with existing structures and as to location in relation to surrounding structures, topography and finish grade elevation. The Declarant shall not unreasonably withhold approval of any plans that conform in every way with the Declaration and with the general character of the development on neighboring Lots within the Property. If the Declarant fails to approve, reject, or modify the plans within the thirty (30) day period, the Declarant's approval shall be deemed to have been given, and no further permission shall be needed before the improvements described in such plans may be constructed or installed. However, in no event shall any improvements be constructed or installed that violate any terms of this Declaration.

9.2.2. Design Guidelines. The Declarant shall prepare and, on behalf of itself and the Association shall promulgate design and development guidelines governing construction within the Property ("Design Guidelines"). The Design Guidelines shall include application and review procedures to be followed in submitting an application for approval hereunder. The Design Guidelines shall be those of the Association, and the Declarant and/or the Association shall have sole and full authority to modify and to amend them from time to time without the consent of any Owner. The Declarant and/or the Associations shall make the Design Guidelines available to Builders and Owners who seek to engage in construction upon all or any portion of the Property. **There is no requirement that these Guidelines be recorded or rerecorded if amended or modified. Each Builder and Owner is cautioned to request the most current version of the Guidelines prior to undertaking any improvement. The most current version shall be on file with the Declarant and/or the Association having jurisdiction.**

9.2.3. Declarant's Plan Approval Period. Declarant's right of plan approval shall exist for as long as Declarant owns any Lot in the Property. Declarant's right of plan approval shall include any alterations to existing Lots or Dwelling Units and / or items requiring prior approval by this Declaration. In any items or matters that are discretionary, the Declarant's decision shall be conclusive upon all parties.

9.2.4. Declarant's Control of New Construction. The Declarant shall have exclusive control of new construction within the Property. No provision of this Declaration or the Design Guidelines, as the same relates to new construction, may be modified without Declarant's consent.

Space reserved for Auditor, Engineer and Recorder

9.2.5. Association's Right of Plan Approval. After Declarant's right of plan approval has expired, the Association shall be responsible for plan approval. The Declarant may assign its right of plan approval or any portion thereof, to the Association.

9.2.6. No Liability. Each Owner and Builder is responsible to insure that all construction or any modifications, are in compliance with the Design Guidelines, restrictions and approved plans. If the Developer or the Directors have acted in good faith on the basis of such information possessed by them, neither the Developer, the Board nor any Director shall be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed due to: (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; or (b) the construction or performance of any work whether or not pursuant to approved plans, drawings, and specifications.

9.2.7. Dwelling Type. No building shall be erected, altered, placed or be permitted to remain on any Lot other than as set forth and constructed in accordance with the Design Guidelines.

9.2.8. Dwelling Specifications. The specifications for each Dwelling Unit, including but not limited to, the size, the roof and gables, siding and exterior elevations, shall be in accordance with the Supplemental Declaration and Design Guidelines for each Neighborhood.

9.2.9. Set Back, Minimum Elevation and Yard Requirements. All Dwelling Units shall be located in accordance with the building set back lines, minimum basement elevation and yard requirements as shown on the Record Plan and / or as set forth in the Orange Township Zoning Resolution. The Owner or Builder shall be responsible for compliance with these standards. Declarant shall not be responsible for any failure to comply with these standards.

9.2.10. Construction Materials. No Dwelling Units shall be constructed of concrete block, cinder block or other similar materials unless the exterior of the Dwelling Unit is covered with brick and / or siding in accordance with the Design Guidelines. No underground Dwelling Units shall be permitted.

9.2.11. Radio and Television Antennas. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception or transmission of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any portion of the Property, including any Dwelling Unit, without the prior written approval as provided in Section 9.2.1, and in accordance with the Guidelines established by the Declarant or the Master Association or the Neighborhood Association having jurisdiction. Nothing herein shall be construed so as to be in conflict with current Federal Communications Commission's rules and regulations for antennas.

9.2.12. Flagpoles. Permanent flagpoles for the display of the flag of the United States of America shall be permitted with the prior written approval as provided in Section 9.2.1,

Space reserved for Auditor, Engineer and Recorder

provided that the pole and flag size not out of proportion with the Dwelling Unit and Lot. No exterior lighting shall be permitted. Flags shall be displayed in accordance with the following:

- 9.2.12.1.** The patriotic customs set forth in 4 U.S.C.A. 5-10, as amended, governing the display and use of the flag of the United States;
 - 9.2.12.2.** The consent of the Lot Owner or of any person having lawful control of the Lot;
 - 9.2.12.3.** The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998);
 - 9.2.12.4.** Any federal law, proclamation of the president of the United States or the governor of the State of Ohio, a section of the Revised Code, or local ordinance or resolution.
- 9.2.13. Completion.** Construction of a Dwelling Unit on any Lot shall be completed within one (1) year from the date construction is started.
- 9.2.14. Lot Maintenance.** All Lots must be kept mowed and free of debris and clutter. During construction, each Owner and Builder shall be responsible for keeping the streets and adjacent Lots clean and free of debris. The Declarant shall have the right to assess and Owner or Builder for the cost of mowing or clean up in the event that the Owner or Builder fails to do so. Owners shall be responsible for all costs incurred to repair or replace damaged curbs and/or gutters along the front of the Owner's Lot resulting from construction vehicles or any negligence during the construction of the Dwelling Unit.
- 9.3. Remedies for Breach of Covenants and Restrictions.** The violation of any covenant or restriction contained in the Declaration or violation of any rule or regulation duly adopted by the Board shall give the Board the authority to enforce the covenants, restrictions, rules and regulations in accordance with this Section.

9.3.1. Actions. The Board may take any or all of the following actions.

- 9.3.1.1.** levy a fine against the Builder, Owner or Occupant, which shall also be an Individual Assessment under Section 7.5.
- 9.3.1.2.** to enter upon a Lot or portion thereof upon which or, as to which, such violation or breach exists and to summarily abate and remove at the expense of the Owner, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions of this Declaration, and the Board, or its agents shall not be thereby deemed guilty in any manner of trespass or wrongful act.

Space reserved for Auditor, Engineer and Recorder

9.3.1.3. to institute appropriate legal proceedings to enjoin, abate or remedy the continuance of any breach.

9.3.1.4. undertake such dispute resolution methods such as mediation and arbitration, except that this provision shall not be construed as any requirement to do so as a condition precedent to legal proceedings.

9.3.2. Notice and Opportunity to be Heard. Prior to any action, the Board shall give the Builder, Owner and/or Occupant reasonable notice of the violation and an opportunity to be heard. Such notice and opportunity shall not be required in emergency situations or for repeated or continuing violations.

9.3.3. Individual Actions. Each Owner is empowered to enforce the covenants by appropriate legal proceedings or alternative dispute resolution methods.

ARTICLE X

INSURANCE AND CASUALTY LOSSES

10.1. Insurance. The Board or its duly authorized agent shall have the authority to and shall obtain such insurance as it may deem necessary to protect the Common Elements, the Owners, the Association and the Board.

10.2. Repair and Restoration. If the damage or destruction for which the insurance proceeds are paid is to be repaired or reconstructed and such proceeds are not sufficient to defray the cost thereof, the Board shall, without the necessity of a vote of the Members, levy a Special Assessment against all Owners. Additional assessments may be made in like manner at any time during or following the completion of any repair or reconstruction. If the funds available from insurance exceed the cost of repair, such excess shall be deposited to the benefit of the Association.

10.3. Additional Insurance Provisions. The Declarant or Board, without a vote of the Unit Owners, may amend the provisions of this Article or any supplemental provisions set forth in a Supplemental Declaration, if such amendment is necessary to comply with secondary mortgage market guidelines or is necessary or desirable to meet the requirements of any institutional lender, the Veteran's Administration, the Federal Housing Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any other agency which may insure or purchase loans on a Unit.

Space reserved for Auditor, Engineer and Recorder

ARTICLE XI

CONDEMNATION

11.1. Whenever all or any part of the Common Elements shall be taken (or conveyed in lieu of and under threat of condemnation by the Board) by any authority having the power of condemnation or eminent domain, each Owner shall be entitled to notice thereof. No Owner, however, shall have the right to participate in the proceedings incident thereto, unless otherwise required by law. The award made for such taking shall be payable to the Association, as Director for all Owners, to be disbursed as follows:

11.1.1. If the taking involves a portion of the Common Elements on which improvements have been constructed, then, unless within sixty (60) days after such taking the Declarant and at least seventy-five (75%) percent of the Owners shall otherwise agree, the Association shall restore or replace such improvements so taken on the remaining land included in the Common Elements, to be extent lands are available therefore, in accordance with plans approved by the Board. If such improvements are to be repaired or restored, the above provisions in Article X hereof regarding the disbursement of funds in respect to casualty damage or destruction, which is to be repaired, shall apply.

11.1.2. If the taking does not involve any improvements on the Common Elements, or if there is a decision made not to repair or restore, or if there are net funds remaining after any such restoration or replacement is completed, then such award or net funds shall be disbursed to the Association and used for such purposes as the Board shall determine.

ARTICLE XII

DEVELOPMENT RIGHTS

12.1. Submission of Additional Land. The Declarant reserves the rights to submit all or any portion of the Additional Land to the terms of this Declaration without consent of the Owners at any time during the Development Period. The submission shall be accomplished by the filing of a Supplemental Declaration identifying the Additional Land, the Lots and the Common Elements.

12.2. Notice to the Board. The Declarant shall promptly notify the Board of the filing of any Supplemental Declaration.

12.3. Easements Reserved. The Declarant reserves for itself, its successors and assigns and any Builder, the following easements:

12.3.1. Easements for drainage and all utilities as shown on the Record Plan.

Space reserved for Auditor, Engineer and Recorder

12.3.2. Easements for ingress, egress, drainage and all utilities over the Common Elements provided that such easements do not unreasonably interfere with any Owner's rights of enjoyment.

12.3.3. An easement over the Common Elements as may be reasonably necessary for the purpose of discharging its obligations or exercising any rights under the Declaration.

12.3.4. An easement for ingress, egress, drainage and all utilities over the Common Elements and in favor of the Additional Property and the right to convey that easements to others in the event that the Additional Property is not submitted to this Declaration.

12.4. Designation of Further Additional Land. Declarant reserves the right to designate other adjacent or nearby real property as Additional Land. Such designation shall be by Supplemental Declaration.

12.5. Assignment of Development Rights. The Declarant reserves the right to assign any or all of its Development Rights to any person or entity for the purpose of further development and improvement of the Property. No assignment shall be effective unless in a writing filed with the Recorder of Delaware County, Ohio

12.6. Transfer of Development Rights by Foreclosure. Unless otherwise provided in any mortgage securing the Property held by Declarant, in the case of foreclosure of such mortgage, deed in lieu of foreclosure, judicial sale, tax sale, sale under the U.S. Bankruptcy Code or receivership proceedings, of any portion of the Property held by the Declarant subject to the Development Rights herein reserved (including the Special Declarant Rights), a person acquiring title to such property, but only upon his request, succeeds to all such Development Rights. The judgment or instrument conveying title must provide for the transfer of such rights. Upon foreclosure sale, deed in lieu of foreclosure, judicial sale, tax sale, sale under the U.S. Bankruptcy Code or receivership proceedings, the Declarant ceases to have any of the rights herein reserved. A successor to the Development Rights held by a transferee that acquired such rights pursuant to this Section, may declare by a recorded instrument the intention to hold such rights solely for transfer to another person. Thereafter, until transferring such Development Rights to any person acquiring title to the Property subject to the Development Rights, or until recording an instrument permitting exercise of such rights, that successor may not exercise any of those rights, and any attempted exercise is void. So long as a successor declarant may not exercise any Development Rights under this section, such declarant is not subject to any liability as a declarant.

ARTICLE XIII

SPECIAL DECLARANT RIGHTS

13.1. Use for Sale Purposes. Declarant reserves for itself, its successors and assigns, and any Builder the right to maintain sales offices and models on the Lots.

13.2. Signs and Marketing. The Declarant reserve the right for itself and any Builder to post signs and displays in the Property to promote sales of Lots, and to conduct general sales activities, in a manner as will not unreasonably disturb the rights of Owners.

13.3. Control of the Master Association.

13.3.1. Appointment of Directors and Officers. The Declarant reserve the right to appoint and remove the members of the Board and the Officers of the Master Association during the Declarant Control Period which period will commence upon the recording of this Declaration and shall terminate no later than the earlier of.

13.3.1.1. sixty (60) days after the conveyance of all of the Lots (including Lots and/or units to be included on the Additional Land) to Owners other than Declarant or any Builder;

13.3.1.2. fifteen (15) years after recording of this Declaration.

13.3.2. Early Termination of Control. The Declarant may voluntarily surrender the right to appoint and remove Directors and officers before the termination of the period set forth above. In that event, the Declarant may require, for the duration of that period, that specified actions of the Association or the Board, be approved by Declarant before they become effective. Such voluntary termination shall be evidenced by a recorded instrument executed by the Declarant setting forth the termination of right to appoint and the actions which require Declarant's approval.

13.4. Declarant's Personal Property. The Declarant and any Builder reserve the right to retain all personal property and equipment used in sales, management, construction and maintenance of the premises that has not been represented as property of the Association. The Declarant and Builder reserve the right to remove, within One (1) year after the sale of the last Lot, from the Property any and all goods and improvements used in development, marketing and construction, whether or not they have become fixtures.

13.5. Right to Amend Documents. Notwithstanding anything above to the contrary, this Declaration may be amended at any time without the vote of Owners by a written instrument executed by the Declarant for the purpose of eliminating or correcting any typographical or other inadvertent error herein; eliminating or resolving any ambiguity herein; making nominal changes; clarifying Declarant' original intent; making any change necessary or desirable to meet the requirements of any institutional lender, the Veteran's Administration, the Federal Housing Administration, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or any other agency which may insure or purchase loans on a Lot. No such amendment, however, shall materially affect any Owner's interest in the Association or the Common Elements. Each Owner and his mortgagees, by acceptance of a deed to a Lot or a mortgage encumbering such Lot, shall be deemed to have consented to and approved of the

Space reserved for Auditor, Engineer and Recorder

provisions of this paragraph and the amendment of this Declaration by Declarant as provided in the immediately preceding sentence. All such Owners and their mortgagees, upon request of Declarant, shall execute and deliver from time to time all such instruments and perform all such acts as may be deemed by a Declarant to be necessary or proper to effectuate the provisions of this paragraph.

ARTICLE XIV

DURATION, AMENDMENT AND TERMINATION

14.1. Duration. This Declaration, and its provisions, shall be covenants running with the land and shall bind the property and shall (regardless of whether any such beneficiary owns an interest in any Lot) inure to the benefit of and be enforceable by Declarant, the Association and each Owner, Occupant and their legal representatives, heirs, devisees, successors and assigns and shall continue in full force and effect for twenty (20) years from the date on which this Declaration is recorded. Thereafter this Declaration shall be automatically renewed for successive ten-year periods unless amended or terminated as provided in this Article.

14.2. Amendment. Except as provided in Section 13.5, prior to the end of the Declarant Control Period, any provision of this Declaration may be amended in whole or in part by a recorded instrument executed by Declarant, approved by the Owners of at least 75% of all Lots.

14.2.1. Except as provided in this Section 14.2, after the end of the Declarant Control Period, any provision of this Declaration may be amended in whole or in part by a recorded instrument approved by the Owners of at least seventy-five (75%) percent of all Lots.

14.2.2. All Amendments shall be executed by the Declarant, and any Builder, if required, and shall be executed by the President and Secretary of the Association. Such Amendment shall certify that the proper notices were sent and that the requisite vote was obtained. Amendments need not be signed by the Owners.

14.3. Amendments by Board. The Board may amend the Declaration and any Supplemental Declaration in any manner necessary for any of the following:

14.3.1. To meet the requirements of institutional mortgagees, guarantors and insurers of first mortgage loans, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Housing Administration, the Veterans Administration, and similar institutions;

14.3.2. To meet the requirements of insurance underwriters;

Space reserved for Auditor, Engineer and Recorder

14.3.3. To bring the Declaration into compliance with the laws of the United States, the State of Ohio or any political subdivision thereof; or

14.3.4. To correct clerical or typographical errors or obvious factual errors in the Declaration, Supplemental or an exhibit to the Declaration.

14.4. Termination. This Declaration and the regime created thereby may be terminated only in accordance with this Section.

14.4.1. Consent Required. This Declaration may be terminated only upon the unanimous consent of the Owners, and if during the Declarant Control Period, by consent the Declarant.

14.4.2. Agreement to Terminate. No termination shall be effective unless an agreement to terminate is filed for record with the Delaware County Recorder. This agreement shall be executed in the same manner as an amendment. The agreement shall provide for disposition of the Common Elements, disposition of Association funds and other resolutions and provisions necessary to terminate the regime and wind up the affairs of the Association.

ARTICLE XIV

MISCELLANEOUS

15.1. No Reverter. No covenant, condition, restriction or reservation of easement contained in this Declaration is intended to create, or shall be construed as creating, a condition subsequent or a possibility of reverter.

15.2. Notices. Any notice required or permitted to be given to an Owner or resident by the Board pursuant to the provisions of this Declaration shall be deemed given when mailed by United States mail, postage prepaid, addressed to such person's last address as it appears on the records of the Association.

15.3. Construction. The Board shall have the right to construe the provisions of this Declaration, and, in the absence of an adjudication by a court of competent jurisdiction to the contrary, such construction shall be final and binding as to all persons and entities benefited or bound by the provisions of this Declaration.

15.4. Invalidity. The determination by a court of competent jurisdiction that any provision of this Declaration is invalid for any reason shall not affect the validity of any other provision hereof.

Space reserved for Auditor, Engineer and Recorder

EXHIBIT A
Lots to be submitted

To be created following plat approval

SAMPLE