
CHAPTER 12

INTERCHANGE MIXED USE DISTRICT (IMU DISTRICT)

(Entire Chapter effective 8/15/2008)

12.1 Purpose. The purposes of the IMU Interchange Mixed Use District are as follows:

- a. To provide the opportunity for significant positive benefits in a manner that minimizes impacts on adjacent residential uses in the area east of Hadden Road and bounded to the north, south, and east by the Township's boundary with the City of Twinsburg;
- b. To ensure compatibility of design and use between neighboring properties;
- c. To facilitate coordinated review with the City of Twinsburg of proposed developments and uses on adjacent, similarly situated, and similarly zoned land to the east and south;
- d. To provide an administrative review process, overseen by the Zoning Commission, for all developments and uses, as outlined in this Chapter; and
- e. To permit Fashion Shopping Centers that conform to all specific requirements outlined in this Chapter.

12.2 Permitted Uses. Buildings and premises within the IMU District shall be used only for one or more of the following purposes and shall be carried on within entirely enclosed buildings, with no detectable exterior noise, smoke, glare, vibration or odor, except as specifically provided for in this Chapter:

- a. Office Uses (including administrative, professional, dental, and medical, but excluding veterinary);
- b. Research Uses (design, development, testing, training, and/or repair, all as they pertain to electricity, electronics, energy, medicine, pharmaceuticals, polymers, transportation and engineering, and related fields, including controlled processing and/or assembly of prototypical equipment, materials, and/or products, but excluding on-site mass-productions and distribution);

- c. Technology Use (data processing, software development, energy systems, information technology, etc.);
- d. Fashion Shopping Centers, subject to all specific requirements for such uses as outlined in Section 12.13 of this Chapter;
- e. Governmental and Other Public Uses; and
- f. Accessory uses clearly incidental to the principal uses permitted on the same premises which shall only be permitted after the principal building or structure has been established.

12.3 Conditional Uses. The following conditional uses may be permitted subject to compliance with all conditions set forth relative to each conditionally permitted use and upon securing a conditional use certificate from the Twinsburg Township Board of Zoning Appeals, and category 2 use development approval subject to Chapter 24 of this Resolution, as applicable: *(effective 2/18/2010)*

- a. Educational Institutions; *(effective 2/18/2010)* and
- b. Passive Recreation. *(effective 2/18/2010)*

12.4 Height Regulations.

- a. The height of any principal or accessory building or structure shall not exceed 35 feet, except as otherwise provided herein;
- b. Mechanical space for building equipment placed on flat building roof may be allowed above the maximum height specified, provided that such mechanical space is set back 15 feet from any exterior wall, does not exceed six feet in height, and is adequately screened from view; and
- c. Any lot proposed to have a structure that will exceed 35 feet in height shall, in addition to meeting the minimum yard requirements, have the depth of its front and rear yards increased by two feet and the depth of its side yards increased by one foot for each foot of additional height.

12.5 Building Setback Lines.

- a. The setback lines for all buildings or any portion thereof shall not be less than 150 feet from the Hadden Road right-of-way; *(effective 11/02/2012)*

- b. The setback lines for all buildings or any portion thereof shall not be less than 50 feet from the Interstate 480 right-of-way; and (*effective 11/02/2012*)
- c. The setback lines for all buildings or any portion thereof shall not be less than 25 feet from any public or private road or street right-of-way internal to the District. (*effective 11/02/2012*)

12.6 Side Yard Setback.

- a. Except as specifically provided for Fashion Shopping Centers in Section 12.13 of this Chapter, every structure shall have at least one side yard not less than 20 feet in width in order to provide unobstructed and paved access for emergency vehicles to the rear of the structure, unless the adjoining lots share with the structure a mutual driveway that is at least 20 feet wide;
- b. Lot with a side yard adjoining a residential district or use shall have a side yard and less than 50 feet in width where adjacent to said residential district or use; and
- c. Corner lots shall have a side yard width of not less than the minimum building setback line for buildings facing the side street.

12.7 Rear Yard Setback.

- a. Except as specifically provided for Fashion Shopping Centers in Section 12.13 of this Chapter, every structure shall have a rear yard not less than 40 feet in width. Within the rear yard, every structure shall provide an area not less than 20 feet in width in order to provide unobstructed and paved access for emergency vehicles to the rear of the structure, unless the adjoining lots share with the structure a mutual driveway that is at least 20 feet wide; and
- b. Lots with a rear yard adjoining a residential district or use shall have a rear yard not less than 50 feet in width where adjacent to said residential districts or use.

12.8 Driveways.

- a. Except for governmental and other public uses, direct driveway access from parcels in the IMU District onto Hadden Road shall not be permitted;
- b. Driveway access to parcels in the IMU District shall be via streets, whether public or private, which are internal to the IMU Districts;
- c. No more than two streets, internal to the IMU District, shall intersect with Hadden

Road, with such streets either aligned with or sufficiently separated from existing intersections; and

- d. Vehicular circulation in the IMU District shall be provided via an internal and looped roadway, with all development clustered inside of said internal roadway, except where otherwise specifically permitted in this Chapter.

12.9 Minimum Lot Area, Width, and Frontage. Except as specifically provided for Fashion Shopping Centers in Section 12.13 of this Chapter, all lots within the IMU District shall conform to the following minimum lot area, width, and frontage requirements:

- a. Every lot or parcel of land shall have an area of sufficient size such that all other requirements of this Chapter can be met;
- b. Every lot or parcel of land shall have a width at the building setback line of not less than 100 feet; and
- c. Every lot or parcel of land shall have lot frontage of not less than 100 feet.

12.10 Buffer Area

- a. All buildings and premises shall be screened with evergreen and deciduous trees, shrubs, earthen berms, or any combination thereof to a height of not less than six feet along the boundary of the premises bordering Hadden Road, as well as any residential district or use, with walls and fences not permitted to be used to meet this requirement;
- b. The buffer shall measure not less 75 feet in width when averaged across its entire length, shall measure not less than 50 feet in width at any point, and shall include the following minimum plantings per each 100 linear feet of such boundary, with all plantings to be spread evenly throughout such area;
 - i. Earthen berms, incorporating physical variations in their height and alignment throughout their length, not less than four feet in height and not greater than three-to-one in slope at any point, and with plantings plateaus not less than five feet in width throughout their length;
 - ii. 10 evergreen trees not less than six feet in height at time of planting, with spacing not less than 15 feet on center;
 - iii. 15 deciduous trees not less than two inches dbh at time of planting, with spacing not less than 20 feet on center; and

- iv. 100 shrubs, including any combination of evergreen and deciduous shrubs not less than 36 inches in height at time of planting, with spacing on average three to four feet on center;
- c. Plantings shall be located along berm planting plateaus and in other areas throughout the berm and buffer;
- d. Grass and ground cover, including but not limited to mulch or other suitable landscape material, shall be used throughout the entire berm and buffer;
- e. No improvements, other than sidewalks, paths, associated lighting, and underground utilities shall be permitted in this buffer; and
- f. The property owner shall be responsible for ongoing maintenance of all landscape areas, including removal and replacement of dead or diseased plantings in a timely fashion upon receiving notice from the Township.

12.11 Off-Street Parking and Loading Requirements. Except as specifically provided for Fashion Shopping Centers in Section 12.13 of this Chapter, all uses permitted in the IMU District shall provide adequate off-street parking space based on the schedule of off-street minimum parking requirements provided in Chapter 17, General Provisions, of this Resolution, in addition to the following:

- a. Parking areas shall be so graded and drained as to dispose of all surface water accumulation within the parking areas. Maximum grade shall not exceed five percent in parking areas and six percent in drives;
- b. Paved surfaces with continuous concrete curbing shall be provided in connection with any off-street parking areas of five vehicles or more;
- c. All lighting to illuminate such parking areas shall be so arranged as to direct the light away from adjoining properties or streets;
- d. Each parking space shall measure not less than nine feet in width and not less than 18 feet in length at any point, excluding the area of any sides;
- e. Aisles abutting 90-degree parking spaces, as well as aisles and drives abutting no spaces, shall be designated for two-way traffic and shall measure not less than 23 feet in width. Aisles abutting spaces oriented at different angles shall be designated for one-way traffic and shall measure not less than 16 feet in width. Entrance drives and internal circulation roadways with multiple lanes shall measure not less than 12 feet in width per lane of travel;

- f. Off-street parking areas may be located in a required yard, but shall not be located in a required buffer;
- g. Accessible parking spaces, including spaces, striping, and signage, shall be provided in accordance with applicable federal guidelines; and
- h. Every building over 10,000 square feet in floor shall provide adequate off-street loading space on the premises based on the following regulations:
 - i. One loading space shall be provided for each 30,000 square feet of floor area or fraction thereof;
 - ii. Each loading space shall measure not less than 12 feet width and not less than 40 feet in length, with height clearance not less than 14 feet;
 - iii. Loading spaces shall be designed to accommodate forward movement of trucks to and from adjacent streets, with reverse movement of trucks to and/or from adjacent streets prohibited;
 - iv. Loading spaces as required under this Section shall be provided in addition to off-street parking spaces required and shall not be considered as satisfying off-street parking space requirements; and
 - v. Loading spaces shall be so oriented as to be not directly visible from public and private streets and adjacent properties.

12.12 Landscaping Requirements for Off-Street Parking and Loading Areas.

- a. Perimeter Landscaping.
 - i. Parking areas designed to accommodate more than 10 vehicles and located adjacent to a public or private street shall be screened with evergreen and deciduous trees, shrubs, masonry walls, or any combination thereof along the boundary of the parking area;
 - ii. This screen area shall measure not less than 15 feet in width at any point, and shall include the following minimum plantings per each 100 linear feet of street frontage:
 - 1. Five trees, including any combination of evergreen trees not less than six feet in height at time of planting and deciduous trees not less than two inches dbh at time of planting;

2. 25 shrubs, including any combination of evergreen and deciduous shrubs not less than 36 inches in height at time of planting; and
 3. Masonry walls, if proposed, shall measure not less than three feet six inches in height;
- b. Internal Landscaping.
- i. Parking areas designed to accommodate 20 vehicles or more shall have not less than 10 percent of area of all paved surfaces (including spaces, aisles, and drives) on the lot planted at landscaped islands;
 - ii. Landscaped islands, with or without walkways, shall be distributed throughout the parking area so as to provide visual and climatic relief from large expanses of pavement, with parking bays to include not more than 30 spaces, and with not more than 15 spaces in an uninterrupted row;
 - iii. The landscaped portion of each landscape island shall measure not less than five feet in any horizontal dimension, shall average not less than nine feet in overall horizontal dimension, shall measure not less than 300 square feet in area, and shall include the following minimum plantings per each 150 square feet of landscaped area;
 1. One deciduous tree not less than two inches dbh at time of planting; and
 2. Four shrubs, including any combination of evergreen and deciduous shrubs not less than 36 inches in height at time of planting;
 - iv. Landscaped areas of the peninsular type shall be provided at all corners and along edges of all parking areas, shall be provided in addition to the interior landscaping required, and shall not be considered as satisfying interior landscaping requirements;
 - v. Landscaping in any part of a required yard or adjacent to buildings shall be provided in addition to the interior landscaping required, and shall not be considered as satisfying interior landscaping requirements; and
 - vi. For the purpose of this subsection 12.12.b, above, all measurements of landscaped island dimensions shall be from face of curb to face of curb; and
- c. The property owner shall be responsible for ongoing maintenance of all landscaped

areas, including removal and replacement of dead or diseased plantings in a timely fashion upon receiving notice from the Township.

12.13 Specific Requirements for Fashion Shopping Centers.

- a. Generally. Except where otherwise stated in this Section, the requirements in this Section are intended to apply to a planned and coordinated development of land in the Township and the City of Twinsburg. Unless stated otherwise, conformance to requirements in this Section is intended to be measured across an entire Fashion Shopping Center, rather than across only that portion of a Fashion Shopping Center which is to be located in the Township. Also unless stated otherwise, the term “floor area” in this Section is intended to refer to gross leasable floor area, which shall include only floor area designed for tenant occupancy, and excluding public, mall or common areas not leasable to individual tenants.
- b. Definition. For the purposes of this Section, a Fashion Shopping Center is intended to refer to a group of seven or more separately owned or leased retail commercial establishments, which is planned, developed, and managed as a single unit under a reciprocal easement or other operating easement agreement with common off-street parking, landscaping, lighting, and other amenities provided on the property and designed to serve multiple purpose shoppers, and which meets all other specific requirements of this Section, as well as all other requirements of this Resolution. A Fashion Shopping Center shall not under any circumstances include any of the following uses: convenience stores; flea markets; gasoline or other fuel stations; massage parlors; pawn shops; sales and/or maintenance of automobiles, trucks or other vehicles; tattoo parlors; and adult businesses, as defined in Section 21.3 of this Resolution.
- c. Concept Plan. The overall design and all uses proposed in connection with a Fashion Shopping Center shall be consistent with the purpose of the IMU District, as well as with specific requirements set forth in this Section. To this end, the applicant must prepare, submit not less than three weeks prior to a regular meeting date, and present to the Zoning Commission a concept plan showing the general characteristics of a proposed Fashion Shopping Center, including overall size, general development layout, general building location(s), proposed mix of uses by area and location, vehicular and pedestrian circulation system (paths, sidewalks, trails, natural features crossings, trailheads, etc.), amount, location and type of open space, types of amenities (lighting, benches, bike racks, picnic pavilions, scenic overlooks, etc.), natural features (endangered plants and animals species, floodplains, riparian corridors, steep slopes, tree stands, wetlands, etc.), and any other unique attributes. The purpose of presenting the concept plan to the Zoning Commission shall be to gain informal input prior to submitting a preliminary development plan. No action,

however, shall be taken by the Zoning Commission on this concept plan.

- d. Development Area. A Fashion Shopping Center shall include not less than 30 acres of contiguous land in the Township, and not less than 60 acres across an entire Fashion Shopping Center, confirmed in a legal description prepared as part of a boundary survey performed by a registered professional surveyor.
- e. Public Services. A Fashion Shopping Center shall not exceed the capacity of existing available public services, including but not limited to utilities, roads, police and fire protection services, and educational services, unless a Fashion Shopping Center contains an acceptable plan for providing necessary services or evidence that such services will be available by the time a Fashion Shopping Center is completed. The applicant shall provide written documentation confirming the availability of public water and sanitary sewer services, including a listing of all required by applicable service providers.
- f. Building Area. A Fashion Shopping Center shall measure not less than 500,000 square feet and not more than 1,000,000 square feet in gross floor area.
- g. Building Location. Building in a Fashion Shopping Centers shall meet the following specific building location requirements:
 - i. Up to five buildings, across an entire Fashion Shopping Center, may be located outside the internal looped roadway, including up to four buildings on outlots abutting Interstate 480, and one building with a governmental or other public use on an outlot in a Fashion Shopping Center in an unspecified location;
 - ii. Buildings and construction, including clearing and grading activities shall be discouraged on the tops of ridge lines and in areas with slopes exceeding 15 percent. Retaining walls or other structures shall be used in areas where any proposed or existing/unchanged slope will exceed 15 percent. Any such wall or structures exceeding three feet in height shall be designed by an engineer and shown on stamped drawings, including wall and slope cross sections; and
 - iii. Building shall not be located in regulated wetlands unless permitted by the United States Army Corps of Engineers and/or Ohio Environmental Protection Agency, and shall be so located as to minimize impact on existing trees and other native vegetation. Existing wetlands, if any, as well as wetlands to remain, be filled, and/or be mitigated, shall be identified on the preliminary development plan. Such information shall be represented graphically and in table form, with table data represented in acres.

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- h. Off-Street Parking. All uses located in a Fashion Shopping Center, except for use located on outlots, shall provide not less than four spaces per 1,000 square feet of floor area in the Township, and not less four-and-one-half spaces per 1,000 square feet of floor area across an entire Fashion Shopping Center. Except as noted above, all other parking requirements in this Chapter and this Resolution shall apply.
- i. Access. Access to a Fashion Shopping Center shall be so designed as to discourage use of Hadden Road by trucks and through traffic to the greatest extent possible, with the following goals to guide all improvements:
- i. Primary access should be from Aurora Road (SR 82) via Hadden Road to the north;
 - ii. If possible, secondary access should be provided from Darrow Road (SR91) to the east, with such access either aligned with or sufficiently separated from existing or approved intersections;
 - iii. If necessary, secondary access should be provided from Hadden Road to the south;
 - iv. If possible, the northern and southern portions of Hadden Road should be realigned and rerouted to enter directly into the Fashion Shopping Center;
 - v. Access to a Fashion Shopping Center should be coordinated with access to streets and driveways west of Hadden Road, so as to minimize adverse impacts on uses west of Hadden Road; and
 - vi. Roundabouts and other traffic calming improvements should be incorporated into a Fashion Shopping Center's access design, to minimize and – if possible – eliminate the need for additional signalized intersections in and around a Fashion Shopping Center.
- j. Building Setbacks.
- i. *Side and Rear Yard.* Buildings in a Fashion Shopping Center shall not be required to meet side or rear yard setbacks, but only if such condition creates a party-wall or zero-lot-line condition between connected buildings and is deemed necessary to accommodate tenant desires for establishments to be located on distinct and separate tax parcels;
 - ii. *Building Separation.* Building separation on the same lot or parcel in a

Fashion Shopping Center shall conform to whatever Building and Fire Code requirements exist that would permit such placement;

- iii. *Water Bodies.* If not required to conform to riparian setbacks per Chapter 22, Riparian Setback Regulations, of this Resolution, all improvements in a Fashion Shopping Center shall be set back not less than 25 feet from a lake, pond, regulated wetland (unless permitted by the United States Army Corps of Engineers and/or the Ohio Environmental Protection Agency) or storm water management basin or easement; and
- iv. *Riparian Corridors.* All improvements in a Fashion Shopping Center shall conform to Chapter 22, Riparian Setback Regulations, of this Resolution, with regard to riparian setbacks, except that the authority to grant variances from said setbacks pursuant to Section 22.8, Variances within Riparian Setbacks, of said Chapter, shall rest with the Zoning Commission instead of the Board of Zoning Appeals, and with the Zoning Commission able to grant such variances if it finds that a Fashion Shopping Center incorporates improvements that are otherwise consistent with the spirit and intent of this Resolution, including but not limited to Section 22.1, Purpose, of said Chapter.
- k. Building Size and Type. Buildings in a Fashion Shopping Center shall comply with the following building size and type limitations:
 - i. A Fashion Shopping Center shall incorporate not less than two fashion department stores, and not less than 200,000 square feet of additional floor area devoted to retail commercial use other than fashion department stores. For the purposes of this Section, “fashion department store” shall mean a retail establishment greater than 25,000 square feet in area specializing in the sale of a wide range of fashion-related products (including but not limited to clothing, shoes, cosmetics, and related accessories), without a single predominant merchandise line, and with multiple (i.e., more than two) customer checkout areas scattered throughout the building;
 - ii. Retail establishments, other than fashion department stores, displaying the following characteristics, shall not be permitted in a Fashion Shopping Center:
 - 1. Any stores offering large quantities of items at discounted prices, except where located entirely within an enclosed multitenant building with no separate, dedicated, exterior public entrance to said store;

2. Any store offering department store merchandise at reduced or wholesale prices, without retail markups, except where located entirely within an enclosed multi-tenant building with no separate, dedicated, exterior public entrance to said store; and
 3. Any store offering select bulk or wholesale goods to customers who pay a fee for access;
- iii. The floor area of any retail establishment on an outlot in a Fashion Shopping Center shall not exceed 15,000 square feet. The floor area of any retail establishment inside the internal looped roadway in a Fashion Shopping Center, other than a fashion department store, shall not exceed 20,000 square feet, except as follows:
1. Not more than one grocery store (defined as a retail establishment where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than a convenience store) may be permitted, provided that such store does not exist in combination with any of the retail establishments listed in subsection 12.14.k.ii, above.
 2. Not more than one hotel may be permitted;
 3. Not more than one book store (defined as a retail establishment that, as its primary business, engages in the sale, rental or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software or any other printed or electronically conveyed information or media, but excluding any adult business, as defined by Section 21.3 of this Resolution) exceeding 20,000 square feet in floor area may be permitted, provided that such store does not exceed 30,000 square feet in floor area; and
 4. Not more than one store offering items in one particular merchandise category may be permitted for each 250,000 square feet of floor area or fraction thereof, provided that such store does not exceed 40,000 square feet in floor area;
- iv. Drive-through and drive-up elements may be permitted as part of banks, but shall not be permitted as a part of restaurants or any other use in a Fashion Shopping Center. This shall not preclude any building from incorporating a

port cohere or other entrance canopy element; and

- v. Outdoor seating and dining may be permitted as part of restaurant uses, but outdoor storage and display of any kind shall not be permitted as part of any other use in a Fashion Shopping Center, except for temporary, outdoor sales during business hours of items normally stored and sold indoors. Areas designated for temporary, outdoor sales shall be clearly identified on the preliminary development plan, and shall not be located in any area designated for landscaping, pedestrian or vehicular circulation, or off-street parking or loading. Items included in temporary, outdoor sale shall be brought indoors during non-business hours. Wherever possible, circulation and other areas accessible to the public within and between buildings should incorporate ‘open air’ design features, whether on a permanent, seasonal or other temporary basis.
- l. Building Appearance. Buildings in a Fashion Shopping Center shall comply with the following building appearance requirements:
- i. *Unified Development.* A Fashion Shopping Center shall be designed as a unified development, with overall characteristics that portray a high quality, unique, and identifiable image. The overall appearance of a Fashion Shopping Center and the architectural treatment shall be consistent, while permitting design flexibility and opportunities for individual expression and identity. The end result shall be a product which is internally cohesive and architecturally compatible;
 - ii. *Architectural Details.* A variety of architectural details and building forms throughout a Fashion Shopping Center shall combine with building and site lighting, landscaping, and signage to create a unique development, appropriate in scale and harmonious with the communities;
 - iii. *Design Pallet.* The applicant shall propose a pallet of preferred materials and colors to be used throughout a Fashion Shopping Center. Additional accent materials and colors may, however, be used to create variety and interest;
 - iv. *Unified Buildings.* Building construction and design shall be used to create a structure with four equally attractive sides of high quality where visible to the general public. Emphasis shall not be placed on the front elevation of a building by neglecting or downgrading the aesthetic appeal of side or rear elevations. Accessory buildings and enclosures, whether attached to or detached from the principal structure, shall be of similar and compatible design and materials;

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- v. *Building Articulation.* Building articulation, which is the expression or outlining of parts of a building through its architectural design, shall be provided in order to create a complementary pattern or rhythm, dividing large buildings into smaller, identifiable portions; break up building mass through the use of offsets and other methods that articulate horizontal and vertical building planes; incorporate details that create shade and cast shadows to provide visual relief; incorporate vertical reveals and projections to express a rhythmic pattern across the elevation; and utilize other architectural details which may include but not limited to texture, pattern, vertical and horizontal relief and other treatments that will reduce the visual impact of long blank walls;
 - vi. *Building Entrances.* Building entrances shall be emphasized through use of accent materials, a variety of wall heights and wall offsets, and by developing dramatic combinations of architectural forms. Building entrances shall be highlighted by wall offsets and accent materials and details and incorporate design features including but not limited to canopies, porticos, overhangs, recesses, projections, integrated arcades, parapets, gables, arches, plazas, seating areas, accent details, integrated planters, wing walls and landscape areas;
 - vii. *Roof Elements.* Building roof elements, if visible, shall appear to be of the highest quality, with details including overhangs, cornices, gables, dormers, trim, accents, and other elements that break up the large mass of roof into smaller elements. Equipment located on a roof shall be screened with a parapet wall having a three-dimensional cornice treatment, so as to minimize visual impact on streets and adjacent residential districts and uses. It is the intent of this requirement to prevent a roof from having a flat, non-dimensional appearance; and
 - viii. *Sample Exterior Building Elevations Required.* Sample exterior building elevations for typical proposed buildings shall be identified on the preliminary development plan, to ensure that building architecture requirements can be met. Final elevations for a building shall be included with the final development plan for that portion of the development area which includes such building.
 - m. Open Space. A Fashion Shopping Center shall provide and maintain usable open space, accessible to all users of a Fashion Shopping Center, subject to the following requirements:

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- i. Not less than 20 percent of the development area in the Township, and not less than 30 percent of the development area across an entire Fashion Shopping Center, shall be set aside as open space;
 - ii. Required open space shall preserve natural features; minimize impact from development on wetlands, rivers, and other environmentally sensitive areas; and protect and separate adjacent residential uses from the visual and other impacts of development;
 - iii. Required open space shall not include the area of any public or private street, and shall not include the area of any easement providing access to a Fashion Shopping Center;
 - iv. Not more than 50 percent of required open space across the entire development shall include the area of water bodies;
 - v. Not more than 65 percent of required open space across the entire development shall include the area of regulated wetlands;
 - vi. Up to 100 percent of required open space may include preserved natural areas provided, however, that those areas accommodate walking or similar passive leisure pursuits to the extent environmentally feasible; and
 - vii. Required open space shall be developed according to the approved final development plan for Fashion Shopping Center. Such conveyance shall indicate proposed use(s) of, and shall include provisions regarding perpetual maintenance of, required open space.
- n. Streets and Driveways. Site disruptions caused by streets and driveway construction and associated grading required for construction in a Fashion Shopping Center shall be minimized. Accordingly, as feasible, a Fashion Shopping Center shall comply with the following standards:
- i. Streets shall, to the greatest extent feasible, follow existing contours, to minimize cut and fill;
 - ii. To the greatest extent feasible, where linear features such as steep slopes or straight rows of standing stones exist, streets shall follow those features, to minimize visual impact;
 - iii. Streets in the Township portion of a Fashion Shopping Center shall be designed in coordination with streets across the entire development, as well

- as in coordination with any portion of the IMU District or surrounding undeveloped land in the City that may not be included in a Fashion Shopping Center;
- iv. *Typical Street Sections.* Typical street section details for all proposed street types shall be identified on the preliminary development plan; and
 - v. *Ownership.* Intended ownership (public or private) of all proposed streets shall be identified on the preliminary development plan.
- o. Traffic Impact. A Fashion Shopping Center shall be designed to minimize its traffic impact on surrounding uses. In determining whether a Fashion Shopping Center has met this requirement, due consideration shall be given to access to major thoroughfares, resulting increases in traffic congestion, proximity and relation to intersections, adequacy of driver sight distances, location of and access to off-street parking, required vehicular turning movements, and proposals to alleviate traffic congestion, traffic safety concerns, and other traffic impacts. A traffic impact study shall be submitted with the preliminary development plan. Such study shall be prepared by a traffic or transportation engineer, selected by or acceptable to the Zoning Commission and with a minimum of three years experience preparing traffic impact studies. The resume and qualifications of the person who prepared the traffic impact study shall be included in the study. The full cost of the study shall be borne by the applicant.
- p. Pedestrian Circulation. A Fashion Shopping Center shall provide pedestrian access and circulation meeting the following requirements:
- i. *General.* Paths shall be provided along one side of Hadden Road, and along one side of a Fashion Shopping Center's internal looped roadway. Trails shall be provided to, from, and within open spaces in a Fashion Shopping Center. Sidewalks shall be provided along both sides of all entrance roads, between all roads and buildings, and thorough all parking lots to buildings. Sidewalks shall always be provided wherever a retail establishment abuts a street, on the same side of the street as such building or use. Such sidewalks shall be wider than specified below and incorporated other pedestrian-friendly amenities, with the ability to accommodate outdoor dining and seating spaces as well as continuous, comfortable, and safe pedestrian circulation. To ensure that pedestrian circulation requirements have been met, all proposed paths, trails, sidewalks, natural features crossings, trailheads, and crosswalks and signage shall be identified on the preliminary development plan. Such information shall be represented graphically and in table form, with graphic representation to include locations and details

including typical sections, and with table data represent in linear feet. Any proposed pedestrian circulation improvements inside rights-of-way shall conform to all applicable County requirements. Any proposed pedestrian circulation improvements outside rights-of-way and/or not governed by any County requirements, shall conform to subsections ii through vii, inclusive, below.

- ii. *Paths.* All proposed paths that will intersect with driveways or otherwise sustain motorized vehicular traffic of any kind shall be 10 feet in width and shall be constructed of asphalt, three inches in depth on a base constructed of highly compactable crushed stone, 10 inches in depth. All other proposed paths shall be 10 feet in width and shall be constructed of asphalt, three inches in depth, on a base constructed of highly compactable crushed stone, six inches in depth. All proposed paths shall conform to specifications provided by the Township.
- iii. *Trail.* All proposed trails shall be eight feet in width, shall be constructed of ADA compliant material (e.g. Fibar), six inches in depth after compaction, on a base constructed of well drained sharp stone, four inches in depth, and shall conform to specifications provided by the Township.
- iv. *Sidewalks.* All proposed sidewalks that will intersect with driveways or otherwise sustain motorized vehicular traffic of any kind shall be five feet in width and shall be constructed of concrete, six inches in depth, on a base constructed of well drained sharp stone, 10 inches in depth. All other proposed sidewalks shall be five feet in width and shall be constructed of well drained sharp stone, four inches in depth. All proposed sidewalks shall conform to specifications provided by the Township.
- v. *Natural Feature Crossings.* Where any of the above elements intersects with a river, creek, stream, regulated wetland or other natural feature, a boardwalk and/or bridge or other structure shall be provided. All proposed crossings shall be eight feet in width, shall be constructed of pressure treated wood, fiberglass, or other durable material (e.g. Trex), on supports constructed of materials dependent upon the particular natural feature being crossed, and shall conform to specifications provided by the Township.
- vi. *Trailheads.* Trailheads shall be provided in areas where proposed paths intersect with internal streets. At a minimum, trailheads shall include decorative architectural features, signage, and landscaping which draws attention to the proposed trailheads and warns vehicles on increased pedestrian traffic. Trailhead details shall be identified on the preliminary

- development plan.
- vii. *Crosswalks and Signage.* Crosswalks and safety signage shall be provided at all intersections. Typical crosswalk and signage details shall be identified on the preliminary development plan.
 - viii. *Responsibility.* The applicant shall be responsible for the proper installation and maintenance of all proposed pedestrian circulation elements.
- q. Utilities. Except for any existing, above-grade utilities to be relocated or remain in place, all utility lines in a Fashion Shopping Center shall be installed underground in accordance with all requirements of applicable service providers. Utilities shall provide for continuity with existing development and adjacent properties where future development is likely and/or possible. Lights shall be provided along all streets and entrance drives, and along the internal looped circulation road. To ensure that light requirements have been met, all proposed fixture locations and details shall be identified on the preliminary development plan. Lights should conform to the following standards, per Ohio Edison's Efficiency/Safety Incentive Program (ESIP) High Pressure Sodium (HPS) Street-lighting Material Specifications and Construction Standards Manual, dated February 12, 2001, as now existing or hereafter amended, or per metal halide fixture types as may be proposed in areas other than public rights-of-way, including but not limited to off-street parking and loading areas:
- i. *Fixtures.* Lights shall be comprised of the following items:
 - 1. *Luminaires.* Luminaires shall be either Ornamental Acorn or Round Colonial or higher quality decorative design, as determined by the Zoning Commission. In no case shall Standard Colonial Luminaires be proposed.
 - 2. *Posts.* All light posts shall be fluted fiberglass or higher quality decorative design, as determined by the Zoning Commission.
 - 3. *Bases.* All light posts shall be mounted on concrete foundations.
 - 4. *Height.* All light posts shall be not less than 12 feet above grade.
 - 5. *Wattage.* All luminaires shall provide the lowest standard residential light intensity. In no case shall less than 100 watts per luminaire be provided.

Lights in off-street parking and loading areas shall be compatible in design with the above street lights, but shall be downward-directed, shielded, and of the lowest intensity required for safety purposes, to protect adjacent residential neighborhoods and uses from excessive light pollution and glare. Lighting levels shall not exceed one footcandle as measured from rights-of-way surrounding, as well as lot lines of adjacent parcels not part of, a Fashion Shopping Center, to be confirmed in a lighting plan submitted with the preliminary development plan.

- ii. *Location.* Lights shall be provided on at least one side of perimeter roads surrounding, and all circulation roads in, a Fashion Shopping Center, except where sidewalks are proposed on both sides of a street, in which case lights shall be staggered on both sides of the street. Lights shall also be provided in off-street parking and loading areas, as deemed necessary to meet safety and security requirements.
 - iii. *Spacing.* A minimum of one street light shall generally be provided for every 150 linear feet of streets. A minimum of two additional street lights shall be provided at or near all Fashion Shopping Center entrances. Additional street lights shall be provided along curves, and in other areas where the required spacing results in insufficient or inconsistent lighting levels and/or traffic safety is a concern. Lights shall also be spaced in off-street parking and loading areas, as deemed necessary to meet safety and security requirements.
 - iv. *Installation.* The applicant shall be responsible for all tasks associated with installation of lighting.
 - v. *Maintenance.* For any street lighting to be provided on public streets, the applicant shall petition the Township, on behalf of all property owners, for establishment and creation of lighting assessment district in accordance with Chapter 515 of the Revised Code. Revenues generated through the assessment district shall be sufficient to cover all maintenance and operation costs associated with all street lighting.
- r. Natural Features, Landscaping, and Lawns. A Fashion Shopping Center shall comply with the following standards regarding natural features, landscaping, and lawns;
- i. *Preservation and Protection.* A Fashion Shopping Center shall be designed to promote preservation of natural resources and natural features. If natural animal or plant habitats of significant value exist, such areas shall be preserved in a natural state and protected as open space or passive recreation

- areas;
- ii. *Existing Vegetation.* Existing trees and other vegetation outside limits of disturbance and/or adjacent to creeks and streams shall be preserved and remain undisturbed. Applicants shall identify the limits of proposed clearing on the preliminary development plan and shall submit documentation certifying that clear cutting will be minimized. All existing vegetation shall remain prior to commencement of construction.
 - iii. *Native Species.* Where landscaping is proposed, the use of native species shall be maximized, the use of exotic species shall be minimized, and the use of invasive species shall be prohibited. A comprehensive source for native species is “Native Plants of Ohio Bulletin 865 OSU Extension,” not dated and available online from the Ohio Department of Natural Resources. Such information shall be identified on the preliminary development plan. An applicant is encouraged to consult with a certified botanist and/or a certified landscape architect when selecting species for planting; and
 - iv. *Landscape Plan.* An applicant shall provide a detailed landscape plan for common areas and easements, identifying the type, size, and quantity of all proposed plantings in such areas. The plan shall also identify the entity (i.e. Association, developer, builder, tenant, etc.) responsible for installation and maintenance of landscaping in all areas, including outlots.
 - s. Control and Reserves. As part of a Fashion Shopping Center, the applicant shall identify the legal entity that will be responsible for completing the project, or otherwise assuring conformance to all requirements of this Resolution. The applicant shall identify the entity to be responsible for maintenance, control, and insurance of common areas and tree preservation buffers. The applicant shall provide legal documentation that a Fashion Shopping Center can be completed as proposed and further, that all portions of a Fashion Shopping Center that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided that advance notice of such transfer and associated contact information is given to the Township Fiscal Officer.
 - t. Applicable Regulations. A Fashions Shopping Center shall comply with all applicable Federal, state, and local laws and regulations, including but not limited to general provisions, conditional use requirements, and site plan review requirements, as well as subdivision and/or condominium requirements, where applicable.

- u. Signage. Signage for a Fashion Shopping Center shall conform to Chapter 23, Sign Regulations, of this Resolution, as now existing or hereafter amended, and supplemented for Fashion Shopping Centers as follows:
 - i. *Fashions Shopping Center Entrance Ground Signs.* In addition to signs permitted per Chapter 23, one ground sign, which may be illuminated, shall be permitted at each driveway or street entrance to a Fashion Shopping Center, not exceeding four such signs across an entire Fashion Shopping Center, regardless of the number of streets, driveways, lots, or buildings, each not exceeding 100 square feet in area, and each not exceeding 10 feet in height. A Fashion Shopping Center entrance sign shall not be closer than 15 feet to a right-of-way, and shall not be closer than 50 feet to a residentially zoned or used property;
 - ii. *Fashion Department Store Wall Signs.* In lieu of nonresidential wall signs permitted per Chapter 23, four wall signs, which may be illuminated, shall be permitted for each fashion department store in a Fashion Shopping Center, not exceeding one such sign per wall on a fashion department store, and each not exceeding one square foot in area for each one lineal feet of building width or 400 square feet, whichever is less;
 - iii. *Non-Outlot Building Entrance Signs.* In lieu of nonresidential wall signs permitted per Chapter 23, one wall sign, which may be illuminated, shall be permitted for each public door or entryway to a non-outlot building in a Fashion Shopping Center. For other than fashion department stores, each such sign shall not exceed one square foot in area for each two lineal feet of building unit width or 50 square feet, whichever is less. For fashion department stores, each such signs shall not exceed one square foot in area for each four lineal feet of building unit width or 25 square feet, whichever is less;
 - iv. *Outlot Ground Signs.* In lieu of nonresidential ground signs permitted per Chapter 23, one ground sign, which may be illuminated, shall be permitted for each outlot in a Fashion Shopping Center, not exceeding five such signs across an entire Fashion Shopping Center, regardless of the number of outlots, each not exceeding 40 square feet in area, and each not exceeding five square feet in height. An outlot ground sign shall be not closer than 15 feet to a right-of-way, and shall be not closer than 50 feet to a residentially zoned or used property;
 - v. *Outlot Wall Signs.* In lieu of nonresidential wall signs permitted per Chapter 23, four wall signs, which may be illuminated, shall be permitted for each

outlot in s Fashion Shopping Center, not exceeding one square foot per wall on an outlot building, and each not exceeding one square foot in area for each two lineal feet of building width or 40 square feet, whichever is less;

- vi. On-site wayfinding signs shall be permitted in a Fashion Shopping Center, provided that such sign constitute the minimum necessary to direct those visiting and servicing a Fashion Shopping Center, and further provided that such signs are visible only from within a Fashion Shopping Center and not from surrounding property and rights-of-way; and
- vii. A preliminary sign plan shall be included with the preliminary development plan for a Fashion Shopping Center, with final signs for each fashion department store, building, and outlot to substantially conform to the preliminary sign plan.

12.14 Development Plan Approval.

- a. Generally. The issuance of a Zoning Certificate for an application for any use in the IMU District shall be preceded by preliminary and final development plan review approval by the Zoning Commission for conformance to all requirements outlined in this Chapter.
- b. Coordination. Applicants are strongly encouraged to coordinate with the State, the County, the City of Twinsburg, the Twin-Keystone Water District, and other applicable regulatory authorities early and often throughout the approval procedure regarding applicable regulatory requirements. Applicants are further encouraged to ensure, to the extent possible, that the final development plan conform to Federal, State, County, City, District, and all other applicable requirements. The entire procedure, however, shall precede issuance of a Zoning Certificate for any use in the IMU District. Conformance to Township zoning requirements does not excuse the need for an application to conform to any other applicable requirement.
- c. Procedure. Review of a development plan shall be by the Zoning Commission. Throughout the specified sequence of actions identified in this Section, not less than one public hearing shall be conducted by the Zoning Commission. Additional public hearings may, but need not, be conducted by the Zoning Commission, at the discretion of the Zoning Commission. Notice provisions for any such public hearing held shall follow those outlined in Section 2.2.m of this Zoning Resolution. Before holding the public hearing as required, in addition to the above requirements, such application shall also be subject to the additional notice requirements listed in Section 2.2, n and o, of this Resolution. The failure of delivery of any required notice shall not invalidate any action taken by the Zoning Commission. In no case

shall the Zoning Commission be required to take action on an application until the next (first) regular meeting after or following initial consideration of the application. The Zoning Commission, may, but need not, undertake joint review of an application with the City of Twinsburg's Planning Commission.

- d. Actions. The specific sequence of actions on an application shall include action on the preliminary development plan, followed by or simultaneously with action on the final development plan. Such actions shall have the following effects and limitations:
- i. *Preliminary Development Plan Approval.* Approval of the preliminary development plan by the Zoning Commission shall entitle the applicant to submit a final development plan for the first phase within two years of the date of such approval, and for all phases within five years of the date of such approval. If no final development plan for the first phase is submitted within two years of the date of such approval, or if no final development plan is submitted for all phases within five years of the date of such approval, such approval shall expire and become void. The Zoning Commission may, however, extend either or both of the above terms by not more than five additional years, upon the applicant's submission of acceptable justification for such extension.
 - ii. *Final Development Plan Approval.* Final development plan approval may pertain to the entire area covered by a preliminary development plan, or to only one or more phases thereof. Approval of the final development plan by the Zoning Commission shall entitle the applicant to commence construction within two years of the date of such approval. If construction has not commenced within two years of the date of such approval, such approval shall expire and become void. The Zoning Commission may, however, extend the above term by not more than two additional years, upon the applicant's submission of acceptable justification for such extension.
- e. Revision of Approved Plans. The applicant may at any time following preliminary or final development plan approval, submit a revised preliminary or final development plan for a Fashion Shopping Center or any part thereof for review and approval by the Zoning Commission. The applicant shall also submit a statement indicating the conditions which made the previous preliminary or final development plan unachievable. Actions by the Zoning Commission on a revised final development plan may, but need not, be preceded by an additional public hearing, including notice as outlined in Section 2.2 of this Resolution, as well as mail notice to all current owners and tenants of lots or units, if any exist, within the property that is the subject of the application. The failure of delivery of any required notice shall

not invalidate any action taken by the Zoning Commission.

- f. Commencement of Construction. Construction related to a final development plan, or any improvement therein, may commence at any time following final development plan approval, but not prior to any related and required engineering, condominium, and/or subdivision approval, provided that construction shall be commenced for each phase of the development within two years of the schedule set forth in final development plan approval. Improvements to infrastructure including but not limited to paving of roads and installation of lights, signs, and other traffic improvements, as well as installation of all utilities and drainage improvements, etc., shall be constructed concurrently with building construction in a development or phase thereof, as may be applicable. Mitigation of other issues and impacts shall require a plan delineating funding and timing of installation of any required improvements. For the purposes of this Section, “commencement of construction” shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations, or similar substantial improvements.

- g. Phasing. Where a development is to be constructed in phases, it shall be designed so that each phase, when completed, is capable of standing on its own in terms of the presence of services, facilities, and open space, and contains the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the development and the residents of the surrounding area. If proposed as a part of a development, improvements to be completed in the first phase of the development shall include, but not limited to sewer and water treatment and storm water management facilities and other infrastructure.

- h. Preliminary Development Plan Contents. A preliminary development plan shall contain, at a minimum, the following, information, drawn to scale on one or more sheets:
 - i. Boundary survey, including setbacks and buffer lines;
 - ii. Existing conditions, including but not limited to location of topography, vegetation, wetlands, and other natural features;
 - iii. Proposed topography, limits of disturbances and changes to vegetation, wetlands, and other natural features;
 - iv. Proposed building locations, key dimensions, typical height, sizes, types, plans, and elevations;
 - v. Driveways, access, roadways, and vehicular circulation plan, including

typical street, pavement, and curb locations and details, and designation of proposed street as public or private;

- vi. Preliminary storm drainage and utility plans;
- vii. Preliminary landscaping plan;
- viii. Phasing plan; and
- ix. If proposed as a Fashion Shopping Center, the following additional information:
 - 1. Development area information, as noted in subsection 12.13.d, above;
 - 2. Public service information, as noted in Subsection 12.13.e, above;
 - 3. Frontage and access information, as noted in subsection 12.13.i, above;
 - 4. Open space information, as noted in subsection 12.13.m, above;
 - 5. Traffic impact study, as noted in subsection 12.13.n, above.
 - 6. Preliminary pedestrian circulation plan, including typical path, trail, sidewalk, natural feature crossing, trailhead, crosswalk, and signage location and details, as noted in subsection 12.13.p, above;
 - 7. Preliminary lighting plan, including fixture locations and details, as noted in Subsection 12.13.q, above;
 - 8. Preliminary signage plan, including sign locations and details, as noted in subsection 12.13.u.
- i. Final Development Plan Contents. A final development plan may be submitted to cover the entire area covered by a preliminary development plan, or only one or more phases thereof. A final development plan shall conform to the approved preliminary development plan and shall contain, at a minimum, the following information, drawn to scale on one or more sheets:
 - i. All information required in Section 12.14.h Preliminary Development Plan Contents;

- ii. An approved preliminary development plan;
- iii. Final storm drainage and utility plans;
- iv. Final landscaping plan, including a complete listing of plantings by type, size, and number, as well as location, size, and details for all proposed fencing, screening, and retaining walls; and
- v. If proposed as a Fashion Development Center, the following additional information:
 - 1. Final pedestrian circulation plan, including typical path, trail, sidewalk, natural feature crossing, trailhead, crosswalk, and signage locations and details, as noted in subsection 12.13.p. above;
 - 2. Final lighting plan, including fixture locations and details, as noted in subsection 12.13.q, above; and
 - 3. Final signage plan, including sign locations and details, as noted in subsection 12.13.u, above.

12.15 Professional Assistance. The extent and complexity of applications for development plan approval will require that the Zoning Commission obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, architect, and/or attorneys. Any costs incurred by the Township obtaining such assistance shall be borne by the applicant in accordance with the Township's Escrow Resolution, adopted on November 25, 2002, as now existing or hereafter amended.

12.16 Reversion. In event that the owner of property within the Interchange Mixed Use District executes a petition to annex any portion of such property to a contiguous municipal corporation the IMU District zoning herein created shall thereafter be of no force and effect with respect to the property which is the subject of the annexation petition and the zoning of said property shall be deemed to be the zoning in existence immediately before the creation of the IMU District. The foregoing limitation on the applicability of the IMU zoning is in recognition of the contemplated oversight of the administrative review process by the Township Zoning Commission and the fact that the Zoning Commission would have no jurisdiction over property which has been annexed into an adjacent municipal corporation.

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