

Model Township Zoning & Community Guide

Prepared by: The Lorain County
Community Development Department

A Community and Economic Development representative of
the Lorain County Board of Commissioners

Process and Analysis

Planning provides the blueprint for the future of a community and a sound framework for policy making in areas such as finance, infrastructure and transportation, as well as many other decisions that face communities. The development of the Lorain County Comprehensive Plan involved a three-track process which included public input; data collection and analysis; and communication with the individual townships in the County. Likewise, the development of a township comprehensive plan should be the result of community input; data collection and analysis; and communication with appropriate agencies and officials, in order to develop an effective plan that will provide a framework for future growth and development in a township. Once a plan is developed, a community can prioritize issues and make policies accordingly.

Areas of Conflict and Controversy

Several key issues grow out of the concern to have positive planned growth, while minimizing the effects of that growth on the environment. These issues, which can cause conflicts and controversies include: annexation; sewage treatment; adequate infrastructure and traffic congestion; commercial and industrial development; school systems; pollution of the Black River; construction in wetlands and/or riparian zones; public water capacity; preservation of farmland and woodlands; and protection of the groundwater system.

Alternative Policy Considerations

In addition to the key issues that were considered in great detail, several other policies should be considered including:

- Adequate Public Facility Requirements;
- Designation of Primary Development Areas;
- Update of the Zoning Code to reflect Primary Development Areas;
- Agricultural Preservation Areas and Zoning;
- Joint Economic Development Districts or JEDD's;

{These first five issues can be referenced in the Lorain County Farmland Preservation Report or other planning documents, which are available through the Lorain County Community Development Department (LCCDD)}

- Required Conservation Development Subdivision Policies; {for more information contact Kirby Date, Program Coordinator for the Countryside Program at 440-329-8544, P.O. Box 24825 Lyndhurst, Ohio 44124 or the Lorain County General Health District} and
- Rehabilitation of Current Environmental Degradation Areas {for more information contact one of the agencies listed in Attachment 1}.

County Agency Responses

Please refer to the most recent Lorain County Emergency Resource Directory, which is available through the Lorain County Emergency Management Association.

Natural Resource Guide

The following chart outlines some natural resource issues, which are often key to Lorain County Townships. Please refer to the chart at the end for the explanation of the acronyms.

KEY ISSUES	RECOMMEN- DATIONS	RATIONALE	IMPLEMENTATION	RELEVANT AGENCIES
Nonpoint source pollution (Including: agricultural, hydromodification, industrial activities, mining, on-site sewage disposal systems, silviculture sources)	Public education	To encourage individuals to prevent non-point source pollution	<ul style="list-style-type: none"> Public education of best management practices 	<ul style="list-style-type: none"> LCCDD LSWCD LCGHD BRRAP/NOACA OEPA DTRG
Nonpoint source pollution (Construction-related)	Include verification of stormwater pollution prevention plan (SWPPP) in the site design process	To prevent sedimentation of surface waters	<ul style="list-style-type: none"> Ensure the site design review includes a SWPPP to specify best management practices and structural controls to minimize erosion and transportation of sediment. 	<ul style="list-style-type: none"> LCCDD LSWCD LCGHD BRRAP/NOACA OEPA DTRG
Nonpoint source pollution (Urban sources)	Maximize vegetative cover and pervious areas	To decrease amount of pollutants in runoff and slow the flow of the runoff	<ul style="list-style-type: none"> Require retention basins and certain percentages of vegetative cover in newly developed areas Public education of best management practices 	<ul style="list-style-type: none"> LCCDD LSWCD LCGHD BRRAP/NOACA OEPA DTRG
Protection of Black River Watershed	Adopt a watershed management plan	Protection of agricultural lands, rural non-roplands, and urban areas	<ul style="list-style-type: none"> Public education of best management practices 	<ul style="list-style-type: none"> LCCDD
Protection of floodplains	Adopt a floodplain protection resolution	To prevent flood damages and to preserve the location and character of	<ul style="list-style-type: none"> A full inventory, definition, and delineation of resources 	<ul style="list-style-type: none"> LCCDD LSWCD Lorain County Engineer's Office Township Zoning

KEY ISSUES	RECOMMEN- DATIONS	RATIONALE	IMPLEMENTATION	RELEVANT AGENCIES
		natural drainage courses		<ul style="list-style-type: none"> FEMA Army Corps of Engineers Countryside Program
Protection of riparian corridors	Create vegetative buffer zone overlay district	Protection of wetlands, steep slopes, and critical habitat	<ul style="list-style-type: none"> A full inventory, definition, and delineation of resources 	<ul style="list-style-type: none"> LCCDD LSWCD BRRAP/NOACA DTRG Township Zoning Countryside program
Degradation of stream habitat	Restore streams systems	Protection of surface waters	<ul style="list-style-type: none"> Public education and use of in-lieu-fees from mitigation projects 	<ul style="list-style-type: none"> LCCDD LSWCD BRRAP/NOACA OEPA DTRG Township Zoning Lorain County Engineer's Office LCCDD
Unsuitability of soils for septic	Require regular inspection, maintenance, and pump out of septic systems	Public health & safety & protection of groundwater resources	<ul style="list-style-type: none"> charge homeowners a maintenance fee that is used for inspection, maintenance & education 	<ul style="list-style-type: none"> LCCDD
Protection of wetlands	Include verification of wetlands permits in the site design process	To conserve wetlands systems	<ul style="list-style-type: none"> A full inventory, delineation of resources, ensure the site design, review addresses, wetlands issues, wetlands banking 	<ul style="list-style-type: none"> LCCDD LSWCD DTRG
Preservation of woodlands and open space	Devise open Space Residential Subdivision Design	Limit development in environmentally sensitive lands	<ul style="list-style-type: none"> Map and prioritize undeveloped lands based on ecological evaluation 	<ul style="list-style-type: none"> LCCDD LSWCD DTRG
Protection of urban and community forests	Develop a tree preservation resolution	Canopy cover provides numerous public health and safety benefits	<ul style="list-style-type: none"> Require developer to prepare tree preservation plans 	<ul style="list-style-type: none"> LCCDD LSWCD DTRG

KEY ISSUES	RECOMMEN- DATIONS	RATIONALE	IMPLEMENTATION	RELEVANT AGENCIES
Poor availability, yield, and quality of groundwater resources	Rely on other water sources, conduct, pollution source inventory, devise groundwater protection ordinance	Groundwater conditions are generally poor	<ul style="list-style-type: none"> Expand delivery systems of alternative water sources, community education, on-site sewage disposal systems, UST program. 	<ul style="list-style-type: none"> LCCDD
Development compatible with natural resource protection	Require environmental site design review process	Avoid adverse impacts on sensitive environments	<ul style="list-style-type: none"> Map and prioritize undeveloped lands based on ecological evaluation 	<ul style="list-style-type: none"> LCCDD
Protection of riparian corridors, recreation areas, and other natural areas	Develop greenway linkages and open space plans that provide multi-use functions and enhances the sense of community	To serve the community's active and passive recreational needs	<ul style="list-style-type: none"> Map contiguous open spaces and other potential corridor linkages Develop a strategy for acquisitions or easements 	<ul style="list-style-type: none"> LCCDD

Acronyms

LCCDD-Lorain County Community Development Department
 LSWCD-Lorain Soil & Water Conservation District
 LCGHD-Lorain County General Health District
 BRRAP/NOACA-Black River Remedial Action Plan/Northeast Ohio Area Coordinating Agency
 OEPA-Ohio Environmental Protection Agency
 FEMA-Federal Emergency Management Agency
 DTRG-Davey Tree Resource Group

RESIDENTIAL CONSERVATION DEVELOPMENT

TOWNSHIP ZONING REGULATIONS

Section 100 PURPOSE

The primary objective of conservation development zoning is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

These regulations are intended to achieve these corollary purposes:

- A. To maximize protection of the community's natural resources by:
 - 1. Avoiding development on and destruction of sensitive natural resource areas;
 - 2. Reducing the quantity and improving the quality of storm water runoff from expected development;
 - 3. Maintaining natural characteristics such as (but not limited to) woods, hedgerows, natural vegetation, meadows, slopes and streams;
 - 4. Reducing the amount of disturbed land, limiting the conversion of natural areas to landscaped areas for lawns, and discouraging the use of non-native invasive plant species; and
 - 5. Conserving areas of prime agricultural soils, to the extent possible.

- B. To conserve (within the framework of natural resource conservation) the quality of ruralness in a community which is characterized by:
 - 1. Large, aggregated, undeveloped land areas;
 - 2. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings;
 - 3. Scenic vistas and rural views;
 - 4. Significant historic features such as heritage trees, etc.;
 - 5. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or
 - 6. Appropriate topographic or vegetative screening.

- C. To encourage more efficient use of land and public services through unified development.
- D. To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- E. To establish a specific review process which maintains local review and approval of the overall development plan by a Township Zoning Commission and which results in the timely consideration of an application.
- F. To ensure that the proposed Conservation Development complies with the objectives of a Township as expressed in a Township's Comprehensive Land Use Plan and a Township's Zoning Resolution.

Section 110 DEFINITIONS

For the purpose of these regulations the following terms, whenever used in these regulations, shall have the meaning herein indicated:

- A. **ACTIVE RECREATION:** Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites or fields. Examples of active recreation facilities include golf courses, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths for bike riding, hiking, and walking and picnic areas.
- B. **ASSOCIATION:** A legal entity operating under recorded land agreements or contracts through which each unit owner in a conservation development is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining restricted open space and other common areas and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association or other similar entity.
- C. **BUILDING ENVELOPE:** An area within a conservation development that is designated as a location within which a dwelling unit is to be placed in compliance with the building setback and spacing requirements established by the township zoning regulations. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.
- D. **BUFFER:** A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained by an association as described in Section 110 "B".

1. **LAND USE BUFFER:** Land area used to separate or visibly shield and/or screen one use from another.
 2. **RIPARIAN BUFFER:** A naturally vegetated area located adjacent to streams and rivers, which is intended to stabilize banks and limit erosion.
 3. **WETLANDS BUFFER:** An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.
- E. **COMMON AREA:** Any land area, and associated facilities, within a conservation development that is held in common ownership by the residents of the development through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.
- F. **COMMON DRIVE:** A private way, which provides vehicular access to at least two but not more than five (5) dwelling units.
- G. **CONSERVATION DEVELOPMENT:** A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated under more flexible standards, such as building arrangements and setbacks, than those that would normally apply under residential district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.
- H. **CONSERVATION EASEMENT:** A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property as authorized by ORC§ 5301.67 through 5301.70.
- I. **DEVELOPMENT PLAN:** A proposal including drawing(s) and map(s) for a conservation development, prepared in accordance with these regulations, illustrating the proposed design, layout and other features for the development and including all elements set forth in Section 180.
- J. **DWELLING, DETACHED SINGLE-FAMILY:** A building designed for, or used exclusively for, residence purposes by one family situated on a parcel having a front, side, and rear yard.
- K. **DWELLING, SINGLE-FAMILY ATTACHED:** Dwelling units that are structurally attached to one another, side by side, and erected as a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

- L. DWELLING, SINGLE-FAMILY, CLUSTER: A building that is designed and used exclusively by one family and separated from all other dwelling units by air space from ground to sky, which is grouped with other dwellings on a site and which may be located on its own subdivided lot without a front, side and/or rear yard in compliance with the standard zoning district regulations.
- M. EPHEMERAL STREAM: A stream that flows only after precipitation.
- N. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.
- O. FLOODPLAIN: Any land susceptible to being inundated by water from any source. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.
- P. FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- Q. INTERMITTENT STREAM: A stream that flows part of the year and is dry part of the year. This stream type is identified on the USGS Quadrangle maps.
- R. INVASIVE SPECIES: Organisms that harm, or have the potential to harm, the environment, economy, or human health.
- S. LAND TRUST: A non-profit, tax-exempt entity whose primary purpose includes the preservation of open space, natural land, rural land, or agricultural land, and which is permitted to hold conservation easements under ORC § 5301.68.
- T. LOT or SUBLOT: For the purposes of the conservation development regulations, a lot or sub-lot shall be a parcel of land owned fee simple and intended for a single dwelling unit whether or not such lot or sub-lot is located with frontage on a dedicated street.
- U. NATURAL FEATURE: An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.
- V. OPEN SPACE: An area that is intended to provide light and air. Open space may include, but is not limited to, meadows, wooded areas, and waterbodies. See also Restricted Open Space.
- W. ORC §: Ohio Revised Code section number.

- X. PERENNIAL STREAM: A natural waterway that contains water throughout the year except in severe drought.
- Y. PRIVATE STREET: A local private way, which provides vehicular access to 2 or more residential structures that is not and will not be dedicated to public use, but which is owned and maintained by the Association.
- Z. PROJECT BOUNDARY: The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term “project boundary” shall also mean “development boundary”.
- AA. PUBLIC IMPROVEMENT: Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.
- BB. RESTRICTED OPEN SPACE: Open space within a conservation development that is of sufficient size and shape to meet the minimum zoning requirements, which is restricted from further development according to the provisions of this chapter.
- CC. SETBACK: The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.
- DD. STANDARD SUBDIVISION: A major or minor subdivision, as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a dedicated public street.
- EE. STREAM BANK OR RIVER BANK: The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.
- FF. WALKWAY: A common public way, four or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way.
- GG. WETLAND: A naturally occurring area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as designated by the Army Corps of Engineers. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

Section 120 PERMITTED USES

The following uses shall be permitted based on the type of development proposed:

- A. Conservation Development in accordance with the regulations set forth in Sections 130 through 180, inclusive:
 - 1. Detached single-family dwellings;
 - 2. Single-family cluster dwellings;
 - 3. Single-family attached dwellings;
 - 4. Recreation facilities for use by residents;
 - 5. Restricted open space as required in Section 140.
- B. Agriculture.

Section 120.1 CONDITIONAL USES

Standard detached single family subdivisions in accordance with the regulations set forth in Section 604 of the Zoning Resolution.

Section 130 MINIMUM PROJECT AREA FOR CONSERVATION DEVELOPMENT.

The gross area of a tract of land proposed for development according to the conservation development option shall be a minimum of 15 acres, but shall not include area within any existing public street rights-of-way.

The area proposed shall be in one ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the conservation development.

Section 140 PERMITTED DENSITY/RESTRICTED OPEN SPACE

- A. The minimum restricted open space shall be 40 percent of the total project area.
- B. The maximum density shall be 2 dwelling units per acre. The maximum density of dwelling units per acre permitted in a conservation development shall be calculated by:

1. Deducting the following from the total project area:
 - a) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - b) The area of land within a floodway, designated wetland, or existing waterbody that exceeds the minimum acreage required for restricted open space as set forth in Section 140A above. Where floodways and wetlands overlap, they shall be counted only once.
2. Multiplying the result of subsection 1 by the maximum density permitted per acre as set forth in this Section above.

Section 150 REGULATIONS FOR RESTRICTED OPEN SPACE

- A. General standards: The restricted open space required in Section 140 shall comply with the following:
1. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
 2. Areas designated for restricted open space purposes may be:
 - a) Preserved in its natural state,
 - b) Designed and intended for the use and/or enjoyment of residents of the proposed development,
 - c) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
 3. Where possible, open space should be designed so that it can be interconnected within the development and connected externally to open space in adjacent areas outside of the project.
 4. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the Lorain County General Health District or the OEPA (depending upon appropriate jurisdiction) shall be established to require and enable maintenance of such facilities by appropriate parties.
 5. Where individual septic systems or alternative sewage treatment methods are utilized, dry sewer lines will also be provided to allow for the tie-in to future public sewer utility systems.
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6. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 - a) Private roads and public road rights-of-way;
 - b) Parking areas, accessways and driveways;
 - c) Required setbacks between buildings, parking areas and project boundaries;
 - d) Required setbacks between buildings and streets;
 - e) Minimum spacing between buildings, and between buildings and parking areas;
 - f) Private yards; and
 - g) A minimum of 15 feet between buildings and restricted open space.
 7. Any restricted open space intended to be devoted to recreational activities will be of a usable size and shape for the intended purposes. The maximum percentage of the total project area that may be developed for active recreation areas, including a community center, shall be 7.5%.
 8. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.
 9. The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
- B. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the township's Legal Advisor and duly recorded in the office of the Recorder of Deeds of Lorain County.
- C. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the township, or by a similar entity, or may remain in private ownership.
1. Offer of Dedication. The township may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.
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2. Associations. Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The township's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - a) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - b) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
3. Transfer of Conservation Easements. With the permission of the township, the owner(s) of the restricted open space may, in accordance with the provisions of ORC § 5301.67-70, grant a conservation easement to any of the entities listed in ORC § 5301.68, provided that:
 - a) The entity is acceptable to the township;
 - b) The provisions of the conservation easement are acceptable to the township; and
 - c) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC § 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Private Ownership of Restricted Open Space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

Section 160 DEVELOPMENT AND SITE PLANNING STANDARDS

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

- A. Ownership. Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.
- B. Lot Requirements.
 1. Units are not required to be on lots. However, when lots for standard detached single-family dwellings or sublots for single-family cluster or

attached dwelling units are included as part of a conservation development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.

2. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

C. Perimeter Building Regulations.

1. The minimum setback from an existing public street shall be 200 feet from a major arterial and 150 feet from a minor arterial road.
2. The minimum setback from the project boundary shall be 100 feet.

D. Interior Building Setback/Spacing Regulations.

1. The minimum setback from a proposed local public right-of-way shall be 60 feet.
2. The minimum setback from the edge of the pavement of a private street shall be 30 feet.
3. The minimum separation between dwellings shall be 20 feet.

E. Height. The maximum building height shall be 35 feet.

F. Resource Protection Regulations.

1. Floodplain Protection. There shall be no construction in the Floodplain except as allowed in Article XII Floodplain Regulations FP-1 of this Zoning Resolution.
2. Wetlands Protection. Wetlands that are required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- a) A buffer area having a width not less than 20 feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
- b) A minimum building and pavement setback of 35 feet, measured from the edge of the designated wetland.

3. Conservation of Riparian Zones:

- a) A riparian buffer of 100 feet shall be provided along the entire length and on both sides of the East and West Branch of the Black River. A riparian buffer of 50 feet shall be provided along the length of any perennial stream channel as designated by Lorain County Soil and Water Conservation District.
- b) Walkways may be permitted to be located within riparian buffers when the Zoning Commission determines that such will create minimal change to the riparian buffer.

G. General Street Design Criteria.

1. Street alignments should follow natural contours and be designed to conserve natural features.
2. Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
3. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

H. Pedestrian Circulation Systems.

1. A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.

2. Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.
- I. Sewage Disposal. Development shall be served by individual or public sewage disposal structures consistent with the Lorain County/Ohio EPA systems. Individual sewage disposal systems shall comply with all applicable regulations of the Lorain County Health Department and may be located within restricted open space areas when approved by the Township and the Lorain County Health Department.
- J. Waivers. In the event the Zoning Commission determines that certain standards set forth in this section do not or should not apply specifically to the circumstances of a particular project and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Township Zoning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.

Section 170 DEVELOPMENT DESIGN CRITERIA

In addition to the development and site planning standards set forth in Section 160, all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this district.

- A. Conservation of Sloping Land. The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
- B. Conservation of Woodlands, Vegetation and other Natural Areas. The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
- C. Conservation of Wildlife Habitats. Efforts should be made to protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.
- D. Conservation of Prime Farmland. Efforts should be made to protect farmland that satisfies the USDA definition of "prime" or "locally unique" farmland.

- E. Conservation of Existing Scenic Vistas and Visual Quality of the Environment. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
- F. Conservation of Cultural Resources. Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Section 180 PROJECT REVIEW PROCEDURES

Under the authority established in ORC §519.021, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Section.

- A. Submission of General Development Plan. The applicant shall submit a General Development Plan application to the township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Article. The application and documentation shall include, but not necessarily be limited to:
 - 1. Identification of existing site characteristics, including a general depiction of:
 - a) Boundaries of the area proposed for development, dimensions and total acreage;
 - b) Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
 - c) Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - d) Existing soil classifications;
 - e) Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - f) Delineation of existing drainage patterns on the property, existing wells and well sites;

- g) Description of significant existing vegetation by type of species, health, quality, etc.;
 - h) Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;
 - i) Description of all structures and areas of known or potential historical significance; and
 - j) Existing viewsheds and identification of unique vistas.
2. The preliminary site plan shall be drawn at a scale not less than 1" to 100' feet and shall include:
- a) A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;
 - b) A sketch layout of standard single family lots, if any;
 - c) The location of the restricted open space and any proposed recreational facilities;
 - d) Natural features to be conserved and any required buffer areas;
 - e) Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
 - f) General location of public street rights-of-way; and
 - g) Proposed utility easement locations.
3. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
- a) The structure of the Association;
 - b) Membership requirements;
 - c) Financial responsibilities; and
 - d) The relationship of the entity to public agencies having responsibilities related to the project.
4. A description of the project phasing including the phased construction of open space improvements.

- B. Review For Completeness. Within ten business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection A above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
- C. Review of General Development Plan by Others. The Township Zoning Inspector shall distribute the general development plan application to the following for review and comment.
1. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Lorain County Planning Commission, the Lorain County Health Department, the County Engineer, and the Ohio EPA.
 2. Other agencies which, at the discretion of the township, may have appropriate technical expertise.
 3. Appropriate local township administrative officials, including the township's legal advisor.
 4. Consultants retained by the township.

All comments shall be returned to the township within 30 days from the date distributed.

- D. Site Visit. The Township Zoning Commission shall, together with the applicant's consultant(s), visit the site if required to gain a thorough understanding of the characteristics of the site.
- E. Review and Approval by Township. The Township Zoning Commission shall review the general development plan and the comments received from Section C above. The Township Zoning Commission shall take action on the submitted general development plan by either:
1. Approving the general development plan as submitted; or
 2. Approving the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement;
or
 3. Denying approval of the general development plan.

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed

upon, shall at the election of the applicant be deemed a denial of the general development plan.

F. Significance of Approved Plan. Approval of the general development plan shall:

1. Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
2. Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the general development plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved general development plan.
4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

G. Final Development Plan. After a general development plan has been approved, an applicant shall submit for review and approval a final development plan. The final development plan may be submitted either for the entire project or for each construction phase.

1. Submission Requirements. The final development plan shall include:

- a) A site plan drawn at a scale not less than 1" – 50 feet indicating:
 - 1) Boundaries of the area proposed for development, accurate dimensions and total acreage;
 - 2) The exact location and dimension of private streets, common drives and public street rights-of-way;
 - 3) Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
 - 4) Dimensions of building/unit spacing;
 - 5) The extent of environmental conservation and change and the exact location of all no cut/no disturb zones ; and

- 6) Designated restricted open space areas and a description of proposed open space improvements.
 - b) A grading plan drawn at a scale of 1" – 50 feet, showing all information pertaining to surface drainage.
 - c) A detailed landscaping plan for new landscaping, including entry features and signs.
 - d) The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
 - e) Conditions imposed by other regulatory agencies.
2. Review For Completeness. Within five business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in subsection G.1, above. If the application is deemed complete and the application fee paid, the Zoning Inspector shall officially accept the application on that date.
 3. Distribution of Final Development Plan. The Zoning Inspector shall distribute the final development plan application to the Zoning Commission, the township's legal advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.
 4. Review by the Township's Legal Advisor. The township's legal advisor shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Zoning Commission documenting that the above demonstrate full compliance with the requirements of this Chapter.
 5. Review and Approval by Township. The Zoning Commission shall review the final development plan and the comments received from Section B.3 and B.4 above. The Zoning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:

- a) Approving the final development plan as submitted; or
- b) Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
- c) Denying approval of the general development plan.

Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

6. Review and Approval by the County Planning Commission. Whenever a development involves the division or allocation of land for the opening, widening or extension of any street(s), the County Planning Commission shall review final development plans for conformance to the Lorain County Subdivision Regulations.

- a) Approving the final development plan as submitted; or
- b) Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
- c) Denying approval of the general development plan.

Attachment 1

1. **Lorain County Community Development Department**
226 Middle Avenue Elyria, Ohio 44035 440-329-5544
2. **Lorain County General Health District**
9880 S. Murray Ridge Road Elyria, Ohio 44035 440-322-6367
3. **Lorain County Metroparks**
12882 Diagonal Road LaGrange, Ohio 44050 440-458-5121
4. **Lorain County Soil and Water Conservation District**
42110 Russia Road Elyria, Ohio 44035 440-326-5800
5. **Northeast Ohio Areawide Coordinating Agency**
1299 Superior Avenue Cleveland, Ohio 44114 216-241-2414
6. **Ohio Environmental Protection Agency Northeast District Office**
2100 Aurora Road Twinsburg, Ohio 44087 330-963-1200
7. **Davey Tree Resource Group**
1500 North Mantua Street Kent, Ohio 44240 800-445-8733