

ARTICLE - 18

PLANNED RESIDENTIAL CONSERVATION DISTRICT (PRCD)

Section 1800 Intent

The Planned Residential Conservation District (PRCD) is created pursuant to §519.021 (C) of the Ohio Revised Code to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in public utility services, and encourage innovation in the planning and building of all types of development.

The Planned Residential Conservation District achieves this purpose by allowing the development of conservation subdivisions that:

- A. Permanently preserve and integrate open space within residential developments;
- B. Offer landowners alternatives to standard tract development of their land;
- C. Establish a less sprawling, more efficient use of land, streets and utilities;
- D. Preserve natural topography in wooded areas;
- E. Create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and
- F. Encourage creativity in design through a controlled process of review and approval of the development plan and related documents.

Section 1801 Overlay Area and Effect for Conservation Development

The Planned Residential Conservation Development (PRCD) is created pursuant to §519.021 of the Ohio Revised Code and encompasses, overlays, and rezones to the PRCD the area shown on the PRCD Overlay Zoning District Map, which map is attached hereto and incorporated herein as Attachment 1 and is hereby adopted as the official zoning district map for the PRCD as part of this amendment. The effective date of the amendment referenced in this Section is July 7th, 2009. Any other zoning regulations, including application for map amendments per **Section 603 – Contents of Application** of this zoning resolution, and zoning districts in existence as of the effective date of this amendment continue to apply within the PRCD unless the Board of Township Trustees or the Zoning Commission approves an application of an owner of property within the district, in accordance with **Section 1802 Process** herein, to subject the owner's property to the PRCD regulations enumerated in **Sections 1803-1806**.

Section 1802 Process

The following is the process to subject a real property to the regulations of the PRCD according to the requirements of this Overlay District. In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to apply the requirements of the PRCD shall follow the procedures herein.

- A. **Concept Stage – Recommended.** The applicant is encouraged to engage in informal consultations including a site walk-about with the Zoning Commission or a designated representative of the Township and the Licking County Planning Commission prior to formal submission of a development plan and application to amend the zoning map.

No statement by officials of the Township, designated representatives of the Township or the Licking County Planning Commission shall be binding upon either party at the concept stage.

- B. **Preliminary Development Plan.** Upon application for a PRCD, the owner(s) of lots or land within the Township shall submit a Preliminary Development Plan. The township is charged with verifying that the proposed plan complies with the development standards of the PRCD overlay. The Township Zoning Commission shall hear the case and provide a recommendation to the Board of Trustees who act as the approving body for an application to apply the PRCD overlay requirements to the lots or land. The approval is considered an administrative act in the Ohio Revised Code and is therefore not subject to referendum.

1. **Process:** The approval process for a Preliminary Development Plan is an administrative action and subject to appeal per Chapter 2506 of the Ohio Revised Code. The review of a Preliminary Development Plan by the Zoning Commission and the Board of Trustees is not subject to a public hearing. The following is the process for approval of a Preliminary Development Plan:
 - a) **Submission:** An applicant for a Preliminary Development Plan shall submit all required information, maps, plans, and applications (see sub-section **1802.B.2 Submission Requirements**) to the Zoning Inspector for forwarding to the Zoning Commission.
 - b) **Zoning Inspector:** After the applications are made to the Zoning Inspector, the following procedure shall be followed:
 - 1.) The Zoning Inspector shall review the submitted application for the Preliminary Development Plan to ensure the application is complete.
 - 2.) The Zoning Inspector shall forward the Preliminary Development Plan application to the Zoning Commission.
 - 3.) The Zoning Inspector shall provide an 'Etna Township Staff Report' to the Zoning Commission detailing the plan and if the plan complies with the Etna Township Zoning Resolution as applicable.
 - c) **Zoning Commission:** The Zoning Commission is a recommending body regarding the Preliminary Development Plan.
 - 1.) The Zoning Commission shall review the Preliminary Development Plan and provide a written recommendation to the Board of Trustees based upon the plan's compliance with the regulations and standards in **Sections 1803-1806**. The written recommendation shall list specific findings of fact. For example if the recommendation is for denial the recommendation shall list specific sections of the Etna Township Zoning Resolution for which the proposal does not comply.
 - d) **Board of Trustees:** The Board of Trustees is the approving body for the Preliminary Development Plan.
 - 1.) The Board of Trustees shall consider the Preliminary Development Plan and shall approve, deny, or approve with modifications the Preliminary Development Plan based upon the plan's compliance with the regulations and standards in **Sections 1803-1806**.
 - 2.) If the plan is denied, the Board of Trustees shall provide specific written findings and reasoning for the denial of the Preliminary Development Plan.
2. **Submission Requirements:** The applicant shall submit fifteen (15) copies of the Preliminary Development Plan to the Zoning Inspector. The Preliminary Development Plan shall show the intended layout of the site in accordance with PRCD standards. The plan shall include in text and map form, the following:
 - a) The proposed size and location of the PRCD district, at a scale of at least 1" = 200', showing topographic contours of at least 2' intervals, existing and proposed structures, and structures within 200' of the development tract.
 - b) Environmentally sensitive areas such as the 100 year floodplain, bodies of water, forested areas, wetlands, and slopes greater than 20%. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Licking County.
 - c) Permitted density calculations.
 - d) Generalized architectural designs for all structures and signs.
 - e) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
 - f) Water supply and sanitary sewage disposal feasibility shall be indicated by the appropriate agency at the time of the Preliminary Development Plan. Centralized sanitary sewage disposal systems, if necessary, shall be provided subject to the South West Licking Sewer District and Ohio Environmental Protection Agency approval. If on-site centralized sewage disposal systems are proposed, the applicant shall indicate who shall be responsible for their operation and maintenance, and shall provide a letter from the appropriate county or state agency declaring the site feasible for such systems, and for the anticipated sanitary flows.
 - g) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

- h) A design of the open space and proposed description of its use and maintenance.
 - i) Proposed public land dedications.
 - j) Preliminary Traffic Impact Analysis based upon new trip generation rates as specified in either the Licking County Engineer's standards, or the International Transportation Engineering standards. Preliminary mitigation proposals such as turning lanes, signals, roundabouts, or widening to alleviate the impacts of new traffic shall be described.
 - k) Design standard items include any applicable items related to **Section 1803 Designing a Conservation Subdivision**.
 - l) Emergency service provisions (letter from fire and police/sheriff departments stating whether or not services are available, capacity, and any regulatory requirements that need to be met).
 - m) General phasing plans, if any.
 - n) Any other supplemental information as required by the Zoning Commission and/or Board of Trustees to properly review the submitted Preliminary Development Plan.
3. **Required Findings for Approval of a Preliminary Development Plan:** The Zoning Commission and Trustees shall approve an application for a Preliminary Development Plan within the Planned Residential Conservation Development District provided they find that the proposed development complies with the requirements of the PRCD Overlay District in **Sections 1803-1806**. The Planned Residential Conservation District shall further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development. Within a Planned Residential Conservation District, the township zoning regulations, where applicable need not be uniform but may vary in order to accommodate unified development and to promote the public health, safety, morals, and the other purposes of §519.021 of the Ohio Revised Code. The proposed development should be consistent with the purpose, criteria and intent of this Zoning Resolution, Township Comprehensive Plans, existing land use character, appearance and physical development of the area.
4. **Preliminary Development Plan Approval Period:** The approval of a Preliminary Development Plan shall be effective for a period of one (1) year in order to allow for the preparation and submission of the Final Development Plan. No zoning amendment passed during this one (1) year period shall affect the terms under which approval of the Preliminary Development Plan was granted. If the Final Development Plan has not been filed within this one (1) year period, then the Preliminary Development Plan approval shall expire unless the Board of Trustees has approved an extension of this time limit. A single extension with a maximum period of one (1) year may be considered by the Board of Trustees. Absent of such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new Preliminary and Final Development Plan has been submitted for approval to and approved by the Township Board of Trustees. Such applications for approval shall be subject to the same procedures and conditions as an original application and shall commence at the Preliminary Development Plan stage (see sub-section **1802.B Preliminary Development Plan**). However, resubmission of a new Preliminary Development Plan is not an application for a zoning amendment and the zoning does not revert at any time to the previous zoning district or any other zoning district. These new applications shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRCD district.
5. **Modifications.** Any modification request to an approved Preliminary Development Plan shall be described in a PUD Modification Application and submitted to the Zoning Inspector. A final decision shall be made upon the modification request within sixty (60) days of application. The following process shall be followed for approval of the request:
- a) Any modification request that will not alter the physical characteristics of the Preliminary Development Plan nor alter any physical characteristic of future development within the zoning district, and which complies with this Zoning Resolution, shall be approved by the Zoning Inspector.
 - b) All other modification requests shall be forwarded to the Zoning Commission for consideration no later than their next regularly scheduled meeting.
 - 1.) The Zoning Commission shall review the modification and shall vote on a decision to approve or deny the requested modification.

- 2.) If the vote of the Zoning Commission is unanimous, then the decision is considered final and requires no other action by the Zoning Commission or Board of Trustees.
- 3.) If the vote of the Zoning Commission is not unanimous, then the decision is considered a recommendation to the Board of Trustees. The modification shall be forwarded immediately to the Board of Trustees for an official approval or denial.

C. Final Development Plan. The review and approval of the Final Development Plan is the point at which the zoning map change occurs and is an administrative act, not subject to referendum.

1. **Process:** The approval process for a Final Development Plan is an administrative action and subject to appeal per Chapter 2506 of the Ohio Revised Code. The review of a Final Development Plan by the Zoning Commission and the Board of Trustees is not subject to a public hearing. The following is the process for approval of a Final Development Plan:
 - a) **Submission:** A Final Development Plan shall only be submitted if a Preliminary Development Plan has previously been reviewed and approved by the Board of Trustees. An applicant for a Final Development Plan shall submit all required information, maps, plans, and applications (see sub-section **1802.C.2 Submission Requirements**) to the Zoning Inspector for forwarding to the Zoning Commission.
 - b) **Zoning Inspector:** After the application is made to the Zoning Inspector, the following procedure shall be followed:
 - 1.) The Zoning Inspector shall review the submitted application for the Final Development Plan to ensure the application is complete.
 - 2.) The Zoning Inspector shall forward the Final Development Plan application to the Zoning Commission.
 - 3.) The Zoning Inspector shall provide an 'Etna Township Staff Report' to the Zoning Commission detailing the plan and if the plan complies with the Etna Township Zoning Resolution as applicable.
 - c) **Zoning Commission:** The Zoning Commission is a recommending body regarding the Final Development Plan.
 - 1.) The Zoning Commission shall review the Final Development Plan and provide a written recommendation to the Board of Trustees based upon the plan's compliance with the regulations and standards in **Sections 1803-1806**.
 - d) **Board of Trustees:** The Board of Trustees is the approving body for the Final Development Plan.
 - 1.) The Board of Trustees shall consider the Final Development Plan and shall approve, deny, or approve with modifications the Final Development Plan based upon the plan's compliance with the regulations and standards in **Sections 1803-1806**.
 - 2.) If the plan is denied, then the Board of Trustees shall provide specific written findings and reasoning for the denial of the Final Development Plan.
2. **Submission Requirements:** The applicant shall submit fifteen (15) copies of the Final Development Plan to the Zoning Inspector with the application. The Final Development Plan shall include in text and map form the following:
 - a) A listing of all deviations from the approved Preliminary Development Plan.
 - b) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PRCD development.
 - c) All design standards from **Section 1803 Designing a Conservation Subdivision**.
 - 1.) The general development character of the tract including the limitations or controls to be placed on all uses with proposed lot sizes and minimum setback requirements shall be shown. Other development features including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, and all commonly owned structures shall be shown in detail which identifies the quantity, type, and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting, and rendering of how that section of the development would look in elevation; see **Article – 16 Buffering, Landscaping, and Resource Preservation**.
 - d) Architectural design criteria including materials, colors, and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the Final Development Plan by the Township.

- e) The developer shall supply Etna Township with a traffic impact study (TIS) addressing the impact the development will have on the roadway infrastructure. The study shall address not only the new intersection/s, but also the impacts incurred on the next classified intersections in each direction from the proposed access point/s. This area is referred to as the study area for the TIS. The TIS shall be developed in accordance to Institute of Traffic Engineers (ITE) Trip Generation Handbook and Trip Generation Rates. The most current version shall be used. Particular attention shall be given to following the recommended procedures concerning Trip Generation Average Rates vs. Equations, selection of land use codes, calculation of pass-by trips, primary and diverted trips, internal trips, and specialty generators. Existing and Future condition Analysis of new intersections and intersections within the study area shall be evaluated using both AM and PM peak hour data (Traffic volume and growth rates may be available from the Mid-Ohio Regional Planning Commission). Future traffic data shall be twenty (20) years from opening day. The TIS shall include the following:
- 1.) Introduction
 - 2.) Site Plan & Illustration of the Study Area.
 - 3.) Existing Conditions in study area—roadway geometry, speed limits, pictures, sight distances, etc.
 - 4.) Plates showing existing and future traffic ‘no build’.
 - 5.) Plates showing trip Generation and Distribution of development.
 - 6.) Plates showing opening day full build and future full build.
 - 7.) Trip Generation and Distribution Methodologies and Summaries.
 - 8.) Future Conditions in study area, with and without proposed development.
 - 9.) Capacity Analysis using Synchro or HCS software or other approved method for AM & PM peak hours for existing and future build conditions and no build conditions.
 - 10.) Turn Lane length calculations shall be determined by ODOT Location and Design Manual standards. The requirements to include turn lanes are to be by Licking County Planning Commission regulation.
 - 11.) Signal Warrants shall be in accordance with the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).
 - 12.) Summary or Conclusions & Recommendations.
 - 13.) Appendix with calculations, engineering notes, etc.
 - 14.) Depending on the location, other information may also be required such as crash rates, existing speed patterns, sight distance survey, etc. These items can be discussed as part of a pre-plan conference or during the Technical Review Committee meeting.
- f) A private street cross section and drainage plan that meets the design standards of the Licking County Engineer for the weight of the vehicles and the traffic anticipated with an estimated design life of twenty (20) years.
- g) Upon dedication of public service facilities/infrastructure to the township, the applicant must post a one (1) year bond to the Etna Township Trustees equal to ten percent (10%) of the original bond posted to Licking County, to ensure the facilities/infrastructure continue to meet the Licking County sub-division regulations.
- h) Any covenants, easements, or restrictions.
- i) The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.
- j) If the proposed timetable for development includes developing the land (including open space) in phases, no phase shall be less than five (5) acres or the whole tract (whichever is smaller). These phases shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- k) The Final Development Plan map shall be to scale of at least 1" = 100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, parking areas, all required design features, and the following:
- 1.) The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins, and drainage structures shall be drawn.
 - 2.) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - 3.) Specific location of parks and other public facility sites, within or adjacent to the site.

- 4.) If the proposed timetable for development includes developing the land (including open space) in phases, the applicant shall provide a representation of the phasing on the Final Development Plan map.
- 5.) The drawings that are a part of the Final Development Plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio, with respect to the design of each professional.

3. Required Findings for Approval of a Final Development Plan for a Planned Residential Conservation Development:

The Board of Trustees shall approve an application for a Final Development Plan provided they find that the Final Development Plan is in compliance with **Sections 1803- 1806** and there are no unresolved modifications between the plan and standards approved by the Board of Trustees at the Preliminary Development Plan stage.

- 4. Final Development Plan Approval Period:** The approval of a Final Development Plan shall be effective for a period of three (3) years in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the Final Development Plan was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the Final Development Plan shall expire. Upon expiration, no use shall be established or changed and no building, structure or improvement shall be constructed until a new Final Development Plan has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRCD.

- 5. Modifications.** Any modification request to an approved Final Development Plan shall be described in a PUD Modification Application and submitted to the Zoning Inspector. A final decision shall be made upon the modification request within sixty (60) days of application. The following process shall be followed for approval of the request:

- a) Any modification request that will not alter the physical characteristics of the Final Development Plan nor alter any physical characteristic of future development within the zoning district, and which complies with this Zoning Resolution, shall be approved by the Zoning Inspector.
- b) All other modification requests shall be forwarded to the Zoning Commission for consideration no later than their next regularly scheduled meeting.
 - 1.) The Zoning Commission shall review the modification and shall vote on a decision to approve or deny the requested modification.
 - 2.) If the vote of the Zoning Commission is unanimous, the decision is considered final and requires no other action by the Zoning Commission or Board of Trustees.
 - 3.) If the vote of the Zoning Commission is not unanimous, the decision is considered a recommendation to the Board of Trustees. The modification shall be forwarded immediately to the Board of Trustees for an official approval or denial.

- D. Plat Required.** The Final Development Plan as approved by the Township Zoning Commission shall be the subject of a subdivision plat to be approved by the Licking County Planning Commission if required by the Ohio Revised Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development. If required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Licking County, Ohio, and this Zoning Resolution. The subdivision plat and plan shall be in accordance with the approved Final Development Plan. The Final Development Plan application step with the Township shall be the preliminary plan application step in the subdivision regulations administered by Licking County.

- E. Failure to Maintain.** If the approved development plan is not adhered to, or the open space is not properly maintained, the Township Zoning Inspector may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution (Refer to **Section 311 Penalties for Violation**)

- F. Administrative Review.** All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, Zoning Commission and/or their designated technical advisors for an administrative review to ensure substantial compliance with the development plan as approved, prior to issuance of a zoning permit. The Board of Trustees may establish a fee to be deposited with each administrative review in order to defray the costs associated with such a review.

Section 1803 *Designing a Conservation Subdivision*

A conservation subdivision is an open space development designed in accordance with the following process:

A. Design Process

1. Delineate primary conservation areas. Preserve as natural open space.
2. Delineate secondary conservation areas; preserve selected areas as common (improved) or natural open space.
3. Draw house footprints outside the conservation areas. Draw the number of houses based upon the permitted density calculations with lot lines.

B. Design Guidelines

1. In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.
2. Front dwellings on internal roads, not on external roads. No units should have double frontage.
3. 85% or more of the total number of house lots should have a direct view of common open space.
4. Retain or replant native vegetation adjacent to wetlands and surface waters.
5. Preserve existing hedge and tree lines.
6. Preserve scenic views and vistas.
7. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.
8. Preserve historic or archaeological sites (i.e. earthworks, burial grounds) and agricultural elements such as fence rows.
9. Landscape or retain vegetation in common areas with native trees and shrubs.
10. Place shade trees along internal roads at fifty-foot intervals on at least one side of the road.
11. Provide active recreational areas in suitable locations.
12. Include a viable pedestrian circulation system with connections to any contiguous system, meaning a minimum of a five foot wide asphalt bike and walking path throughout the development.
13. Protect natural drainage swales and creeks. No construction of buildings inside the 100 year floodplain.
14. Provide permanent open space according to sub-section **1805.A Open Space**.

Section 1804 *Permitted Uses*

- A. Single Family detached residential dwelling units.
- B. Common wall single family attached dwellings (1-3 units per building).
- C. Two family dwellings.
- D. Multi-family dwellings provided they comprise no more than 25% of the total allowable density.
- E. Open Space- Upon approval of the Final Development Plan by the Township, the following types of activities are permitted within open space, including but not limited to:
 1. Bocce, baseball, basketball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, skateboarding, Frisbee, bird watching, horseshoes, canoeing, rowing, jogging, walking, gardening, and bicycling. If open space is intended to be used as a commercial venture, it shall be so stated in the Final Development Plan and approved by the Township. All open space lands shall be permanently owned as provided in **Section 1805 *Density and Open Space***.
 2. Accessory service buildings and structures incidental and pertinent to permitted uses in paragraph A. above where said accessory service buildings and structures are necessary to the pursuit of a permitted recreational use on the premise.

3. Natural (Open Space) Area- restricted to passive uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area.

Section 1805 Density and Open Space

A. Open Space. At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space. Open space locations and uses shall be identified on the Final Development Plan and shall be subject to the approval of the Township. Open space shall be owned, administered, and maintained as identified on the Final Development Plan pursuant to **Section 1805 Density and Open Space**. With prior consent by resolution of the Board of Trustees of Etna Township, land may be transferred to the Township Board of Trustees for public purposes if approved as a part of the Final Development Plan. Uses of land transferred to the Township for public purposes must be approved as a part of the Final Development Plan and may include, but are not limited to, trails, active recreation and spray irrigation fields. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the Final Development Plan.

1. A portion of the required open space may be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty percent (50%) shall be utilized for that purpose. The development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the Final Development Plan.
2. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.
3. The required open space may be used for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land application" sewage disposal system as approved per the Final Development Plan.
4. Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment areas may count in their combined aggregate for up to 50% of the required open space.
5. Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the Final Development Plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the Final Development Plan.

B. Determining the Number of Dwelling Units Permitted, and the Percent of Open Space.

1. **Density Calculations:** The permitted density (the number of dwelling units in the proposed PRCD), is one (1) unit per net developable acre. Density calculations are based on the net developable area of the site. The net developable acreage is that remaining deducting the following existing and planned land characteristics from the gross acreage:
 - a) Right of way for streets and utilities;
 - b) Jurisdictional wetlands, as defined U.S. Army Corps of Engineers Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of a.) hydric soils, b.) hydrophytic vegetation and c.) wetland hydrology (this generally means they support more than 50% wetland vegetation, and are poorly drained soils which are periodically inundated or saturated);
 - c) Floodplains within a FEMA 100-year floodplain;
 - d) Slopes greater than 20%;
 - e) Utility rights-of-way and easements for above-ground utility structures such as above ground pipelines and existing overhead electric transmission (not local service) wires;
 - f) All bodies of water including retention or detention ponds.
2. **Density Bonus:** The permitted density (the number of dwelling units in the proposed PRCD) may be increased up to a maximum of 1.2 dwelling units per net developable acre if the design of the development meets all of the following design goals:

- a) Open space is designed as part of a larger network connecting to existing open space on neighboring parcels and responsive to natural features on the site.
- b) Development of the property includes a 6'-8' asphalt bike path or equivalent that provides connections to the greater system in the township and/or the region.
- c) Single loaded streets where they are visible from the public right-of-way so that no homes have double frontage in the development.

3. Open Space Calculations: Open space for the PRCD is a minimum of 50% of the gross developable acreage. No greater than 50% of the total open space provided in the design can include jurisdictional wetlands, (as defined U.S. Army Corps of Engineers Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss.) floodplains within a FEMA 100-year floodplain, slopes greater than 20%, utility rights-of-way and easements for above-ground and currently existing utility structures or existing bodies of water.

C. Ownership of Open Space. Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in Section 1805 Density and Open Space. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

Ownership Standards - Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township Board of Trustees.

- 1. Offer of Dedication:** The Township Board of Trustees shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township Board of Trustees may, but is not required to accept undivided common open space provided:
 - a) Such land is accessible to all the residents of the Township;
 - b) There is no cost of acquisition other than incidental costs related to the transfer of ownership;
 - c) The Township Board of Trustees agrees to maintain such lands. Where the Township Board of Trustees accepts dedication of common open space that contains improvements, the Township Board of Trustees may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
- 2. Homeowners Association:** The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:
 - a) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
 - b) The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
 - c) Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
 - d) The association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
 - e) The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.

- f) In the event of transfer, within the methods herein permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the Township Board of Trustees, notice of such pending action shall be given to all property owners within the development.
 - g) The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
 - h) The homeowners association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide:
 - 1.) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season).
 - 2.) That the undivided common open space shall be maintained for purposes set forth in the approved Final Development Plan.
 - 3.) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways.
 - a.) The lease shall be subject to the approval of the homeowner's association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Licking County Recorders office and notification shall be provided to the Township Trustees within 30 days of action by the Board.
3. **Condominiums:** The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township Board of Trustees. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
4. **Dedication of Easements:** The Township Board of Trustees may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:
- a) Such land is accessible to Township residents;
 - b) There is no cost of acquisition other than incidental transfer of ownership costs;
 - c) A satisfactory maintenance agreement is reached between the developer, association and the Township Board of Trustees.
5. **Transfer of Easements to a Private Conservation Organization:** With the permission of the Township Board of Trustees, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
- a) The organization is acceptable to the Township Board of Trustees, and is a bona fide conservation organization with perpetual existence;
 - b) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.
6. **Third Party Ownership:** With the approval of the Township Board of Trustees, open space may be owned by a third party if protected by either: (i) an open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township Board of Trustees or a conservation organization; or (ii) unmodifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved Final Development Plan. Open space land to be transferred to a third party other than a Homeowners Association, condominium association or the Township Board of Trustees shall also be located in a reserve with an open space notation on a recorded final plat.

- D. Maintenance of Open Space.** The ultimate owner of all open space (including restricted open space) shall be responsible for raising all monies required for operations maintenance, or physical improvements to the open space through annual dues, special assessments, and valid and enforceable collection methods. The owner shall be authorized, under appropriate restrictions and covenants, to place liens on the property of residents who fall delinquent in payment of such dues and assessments. In the event that the organization established to own, operate and maintain the open space shall at any time after the establishment of the planned development fail to maintain the open space in reasonable order and condition in accordance with the Final Development Plan, such failure shall constitute a violation of both the Final Development Plan and this Resolution.

Section 1806 PRCD Development Plan Standards

- A. Minimum tract size** for a PRCD Subdivision is 10 acres.
- B. Centralized Water and Sewer** - For centralized water and sewer usage, a feasibility letter shall be provided by the Southwest Licking Water and Sewer District indicating that water and sewer service is available with the capacity needed.
- C. Perimeter Setback** - No building shall be constructed within 50 feet of the external boundary of the conservation subdivision.
- D. Accessory uses or structures** shall be permitted provided that following requirements are met:
1. Unless otherwise specified, one accessory building shall be permitted on a lot in a residential zoning district.
 2. Unless otherwise prohibited by lot area coverage requirements, one additional storage building may be permitted on a residential lot, provided that the area of said structure does not exceed 144 square feet in size.
 3. The maximum height of an accessory use or structure is no more than 15 feet, but in no case shall the accessory use or structure exceed the height of the principal building.
 4. No commercial uses shall be conducted within an accessory structure.
 5. Accessory structures and uses, with the exception of fences, shall be located a minimum of ten (10) feet from all lot lines.
 6. An accessory structure shall be located to the side or rear of the principal building and shall be no closer than ten (10) feet from any part of the principal building and shall not be located in any easements.
- F. Stormwater** management should be coordinated within larger developments to reduce the number of retention/detention ponds required. On single site development, stormwater management must meet all applicable standards of NPDES (National Pollutant Discharge Elimination System) Phase II stormwater program.
1. Retention/Detention Basins shall be designed to appear natural and not engineered in terms of shape, water level, slope and treatment of the freeboard. Appropriate planting shall be located around the pond to facilitate a natural appearance. The slope of the edge shall continue into the natural water level to provide a shelf and not a steep drop off for safety. Appropriately sized pond aeration/fountain shall be included in all retention ponds. A maintenance plan must be submitted as part of the zoning text and approved by the Board of Trustees. All ponds must be labeled on the plot plans. See **Section 1026 Ponds, Lakes, Water Retention/Detention Areas.**
- G. Floodplains** - No structures shall be constructed within the 100-year floodplain of any stream or river.
- H. Architecture** - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. Architecture should be high in quality and should contribute to the character of the township.
- I. Subdivision standards** - Public streets and all drainage improvements shall conform to the subdivision standards for Licking County, Ohio.

- J. **Pavement standards for condominium drives** - All condominium drives that are not dedicated for public maintenance shall be constructed to a pavement width and cross section that meets the average daily traffic and weights anticipated in the Licking County Engineer's Location and Design Manual, or shall have a design life of 20 years.
- K. **Streets** should be interconnected with more than one access point to the development. Street layouts must connect to any contiguous residential stub streets located on surrounding parcels. If neighboring parcel is not yet developed the development must provide stub streets to connect to those stub streets in the future. Streets viewable from the public right-of-way of existing streets shall be single loaded to prevent homesites having double frontage.
- L. **Pavement standards** for parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.
- M. **Paths and Sidewalks** - A network of concrete sidewalks or asphalt walking paths shall be provided. Where located parallel to the roads, concrete sidewalks shall be separated from the street pavement by at least a 5' landscaped or grassed strip. Asphalt walking paths shall be located per plan. The zoning commission may require paved/unpaved walkways to connect residential areas and open spaces.
- N. **Natural area preservation** - Wetlands, steep (over 20 %) slopes, forests, stream corridors, 100 year floodplains, and ravines should be preserved to the greatest extent possible. Tree stands greater than 2 acres and tree rows must be preserved.
- O. **Street Trees** - Deciduous, broad leaf street trees with a minimum caliper of three inches (3") at planting shall be placed one for every 40' of lineal road frontage on new roads and should be located along existing roads in a naturalized street tree pattern unless otherwise designated by local plans. All street trees shall be of an approved variety and be guaranteed for a minimum of one year.
- P. **Minimum Front Setbacks** - Dwelling Units and garages shall be set back a minimum of forty (40) feet from the street right-of-way.
- Q. **Minimum lot size** of twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots. Attached dwelling units or detached condominiums as approved per the Final Development Plan.
- R. **Minimum Lot Width** at the building line.
 1. 80' lot widths may be used for a maximum of 30% of the total single family lots.
 2. 90' lot widths may be used for a maximum of 30% of the total single family lots.
 3. 100' or wider lots shall be used for at least 40% of the total single family lots.
- S. **Minimum Side yards** - Fifteen (15) feet each side for single family and common wall single family units and their garages, with no encroachments. For multi family or non residential structures the minimum separation between buildings units shall be thirty (30) feet.
- T. **Driveway Setbacks** - Two feet from side lot line. Side-load garages shall provide at least 24 feet of paved apron, exclusive of the 2 foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the Final Development Plan.
- U. **Minimum Rear yard** – Thirty (30) feet for single family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory structures. Attached units or detached condominiums as approved per the Final Development Plan.
- V. **Building Height Requirement** - No principal building in this district shall exceed thirty five (35) feet in height as defined in **Article 2 – Definitions**.
- W. **Minimum Dwelling Unit Floor Area** - Eleven hundred (1100) square feet per dwelling unit.
- X. **Street lighting** - If required by the Township, street lighting must be of white light, maximum height twenty (20) feet, with fully shielded downward cast lighting.
- Y. **Landscaping** - Front yards and all improved open spaces or non-residential use areas shall be landscaped per an approved landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the Final Development Plan. Planting of native species is required; see **Article 16 – Buffering, Landscaping, and Resource Preservation**.
- Z. **Parking** - Off-street parking shall be provided. Construction traffic may park in the street, but only on one side so as to allow for safe access by emergency equipment. Off-street parking shall comply with the provisions of **Article – 11 Off-Street Parking and Loading Facilities** of the Etta Township Zoning Resolution.

- AA. Utilities** - Centralized water and sanitary sewer service shall be provided. All local service lines for electric, cable television, internet or any other utility service provided shall be buried underground and located in the rear yards within the PRCD District. High voltage overhead electric transmission lines are not considered local service lines for the purpose of this section.
- BB. Signs** - All signs shall be in accordance with **Article 12 – Signs** of the Etna Township Zoning Resolution.
- CC. Other Requirements** - All general non-district specific regulations/standards contained within the Etna Township Zoning Resolution shall apply to developments under this Article. However, the specific regulations/standards within this district shall take precedence over any conflicting regulations/standards contained elsewhere within the Etna Township Zoning Resolution.
- DD. Compliance with Final Development Plan** - The development of properties under this Article shall remain in strict compliance with the Final Development Plan, except as modified in accordance with sub-section 1703.D.5 herein.

PRCD Overlay Zoning District Map

Attachment #1

Allowable Areas = East of Smoke Road & South of I-70/West of Lynns Road

