

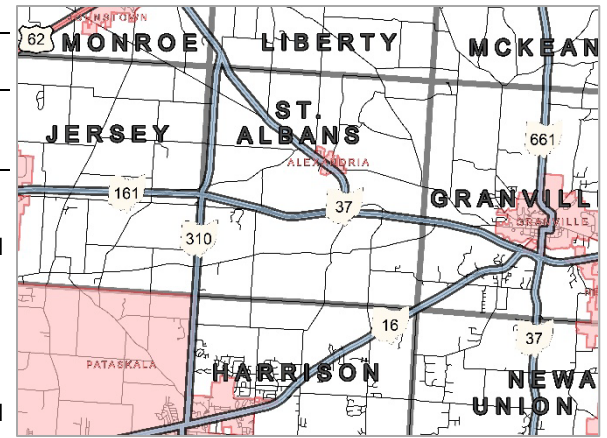


STAFF REPORT

Zoning Text Amendment

Application #: Z-23-9
Meeting Date: May 22, 2023
Prepared By: Brad Mercer, Planning Manger

St. Albans Township Zoning Commission	St. Albans
APPLICANT	TOWNSHIP
Zoning Text Amendment – Article 13 Planned Unit Development (PUD)	
DESCRIPTION	
St. Albans Township Zoning Resolution/Section 606 Submission to County Planning Commission and Article 13 Planned Unit Development.	
REGULATION / ARTICLE	
The St. Albans Township Zoning Commission is requesting a non-binding recommendation from the Licking County Planning Commission in regard to a proposed zoning text amendment to the St. Albans Township Zoning Resolution. The St. Albans Township Zoning Commission is proposing to replace the existing Article 13 Planned Unit Development with the proposed text. The purpose of the amendment is to clarify the PUD process, reduce confusion, and support the St. Albans Township Comprehensive Plan which stresses the need for orderly development in a sustained manner. This application is now before the Licking County Planning Commission Board for consideration.	



COMPREHENSIVE PLAN	AMENDED SECTIONS	AMENDED SECTIONS - CONTINUED
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Staff Recommendation: NON-BINDING RECOMMENDATION OF CONDITIONAL APPROVAL

Staff Recommendation and Basis: To provide the St. Albans Township Zoning Commission a non-binding recommendation of **APPROVAL WITH CONDITIONS** for the proposed text amendment to the St. Albans Township Zoning Resolution (LCPC Application # Z-23-9). The conditions are as follows:

1. Consider the LCPC staff comments and recommendations throughout this report and the attached draft of Article 13 Planned Unit Development.
2. Ensure that the Licking County Prosecutor’s Office or township other acquired legal counsel (if any) review the proposed text amendment and include any recommendations from said review prior to adoption.

The basis for this recommendation is that the proposed zoning text amendment will be in conformance with the township Comprehensive Plan, the Ohio Revised Code, and good planning practices with the consideration of these comments and recommendations.

PROPOSED ZONING AMENDMENT

PLANNING CONSIDERATIONS

Proposed Text Review and Recommendations:

- See the markup of the original text herein attached for specific recommendations, comments, and questions.
- The following are some overall comments on the proposed Article 13 text.
 - Prior to adoption and publishing formatting, spelling, and grammar checks need to be completed. Several formatting issues and a few spelling and grammatical errors were observed during the review. However, this was not the focus of the review so others may exist.
 - Ensure that each section detailing the process and decision-making factors for the concept plan, preliminary development plan, and final development plan reference Section 13.04 PUD Development Standards and Section 13.05 Special Submittal Requirements for PUDs. Additionally, ensure that the zoning commission

board and the board of township trustees in making their decisions need to confirm that these plans are in compliance with the standards provided in Section 13.04 and Section 13.05.

- Equate the township plan review stages with the county plan review stages. The preliminary development plan application at the township level is equivalent to the sketch plan application at the county level. The final development plan application at the township level is equivalent to the preliminary plan application at the county level. The township action shall occur prior to the Licking County Planning Commission Board taking action on any preliminary plan. Typically, the Licking County Technical Review Committee (TRC) considers the sketch plan application at the county level before the township takes official action on the preliminary development plan application at the township level. Similarly, the TRC considers the preliminary plan application at the county level before the township boards take action on the final development plan at the township level. After the TRC meets then the township boards act. After the township boards act, then the LCPC Board



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Zoning Text Amendment

acts. It may be helpful to include this in the township text to provide guidance to the local officials and the property owners/developers.

- Ohio Revised Code

The following are excerpts from the Ohio Revised Code that provide the zoning authority for planned unit developments at the township level of government.

- Section 519.021 Planned -Unit Development (In part)
 - *A township zoning resolution or amendment adopted in accordance with this chapter may establish or modify planned-unit developments. Planned-unit development regulations shall apply to property only at the election of the property owner and shall include standards to be used by the board of township trustees or, if the board so chooses, by the township zoning commission, in determining whether to approve or disapprove any proposed development within a planned-unit development. The planned-unit development 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-unit development, 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 this section.*
 - *Planned-unit developments may be included in the township zoning resolution under one of the following procedures:*
 - **(A)** The board of township trustees may adopt planned-unit development regulations that do not automatically apply to any property in the township, but establish standards that will apply to property that becomes part of a planned-unit development as provided in this division. Property owners who wish to have planned-unit development regulations apply to their property may apply to have the zoning map amended pursuant to section 519.12 of the Revised Code to rezone their property as a planned-unit development and no longer subject to any previously applicable zoning regulations. Once property has been rezoned as a planned-unit development, subsequent development on that property shall comply with the planned-unit development regulations as

determined by the board of township trustees or township zoning commission, as applicable. After the designation of the property as a planned-unit development on the zoning map, any approval or disapproval of subsequent use or development of property in a planned-unit development as being in compliance with regulations established as authorized by this division shall not be considered to be an amendment or supplement to a township zoning resolution for the purpose of section 519.12 of the Revised Code, but may be appealed pursuant to Chapter 2506. of the Revised Code.

- **(B)** Upon the application of property owners, the board of township trustees may establish a planned-unit development for their property, designating the property as a planned-unit development on the zoning map in accordance with the procedures set forth in section 519.12 of the Revised Code, and simultaneously adopting regulations as part of that same procedure that will apply only to that planned-unit development. Within that development, property is subject to the planned-unit development regulations and not to any other zoning regulations. Compliance with the planned-unit development regulations shall be determined by the board of township trustees or township zoning commission, as applicable. After the designation of the property as a planned-unit development on the zoning map and the simultaneous adoption of regulations that will apply only to that planned-unit development, any approval or disapproval of subsequent use or development of property in a planned-unit development as being in compliance with regulations established as authorized by this division shall not be considered to be an amendment or supplement to a township zoning resolution for the purpose of section 519.12 of the Revised Code, but may be appealed pursuant to *Chapter 2506. of the Revised Code.*
- **(C)** Pursuant to section 519.12 of the Revised Code, the board of township trustees may adopt planned-unit development regulations and amend the zoning map to rezone the property as planned-unit developments. Any other zoning regulations and zoning district that exist at the time a planned-unit development district is established under this division continue to apply within the planned-unit development district unless the board or



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Zoning Text Amendment

the township zoning commission approves an application of an owner of property within the district to subject the owner's property to planned-unit development regulations under this division. Such an application shall be made in accordance with the planned-unit development regulations and shall include a development plan that complies with the planned-unit development regulations. Upon receiving such an application, the board of township trustees or township zoning commission, as applicable, shall determine whether the application and plan comply with the planned-unit development regulations. The board's or commission's determination shall not be considered to be an amendment to a township zoning resolution for purposes of section 519.12 of the Revised Code, but may be appealed pursuant to Chapter 2506. of the Revised Code. If the board or commission makes a final determination that the plan included in the application complies with the planned-unit development regulations or, if the board's or commission's final determination is one of noncompliance then if a court of competent jurisdiction makes a final non appealable order finding compliance, the board or commission, as applicable, shall approve the application and upon approval shall cause the zoning map to be changed so that any other zoning district that applied to the property that is the subject of the owner's application no longer applies to that property. The removal of the prior zoning district from the zoning map is a ministerial act and shall not be considered to be an amendment or supplement to a township zoning resolution for the purposes of section 519.12 of the Revised Code and may not be appealed pursuant to Chapter 2506. of the Revised Code.

Compatibility with the Ohio Revised Code:

- Township authority for zoning is different from a municipality authority for zoning. If utilizing text from other communities as a model to develop zoning text for the township, it is important to ensure that the text complies with the zoning authority provided by Section 519.12 of the Ohio Revised Code ("ORC:"), which is the section of the ORC that provides zoning authority for townships. Townships are statutory government bodies and only have authority as provided by the ORC.
- A board of township trustees may only implement zoning in accordance with the authority provided to

them in the ORC. The authority to implement Planned Unit Development ("PUD") zoning is obtained from Section 519.021 of the ORC.

- Section 519.021 of the ORC provides three types of PUDs. (See also "Ohio Revised Code" above.)
 - Option A, which is based on Section 519.021 (A) provides that the board of township trustees may adopt PUD regulations, establish standards that apply to property that becomes zoned PUD, and the process. This type of PUD is similar to a standard zoning district wherein the township board of trustees provides the standards that a PUD proposal must comply with. However, the standards regulations in the PUD district do not need to be uniform throughout but may vary to accommodate unified development and promote public health, safety, morals and other authorized purposes of Section 519.021 (A).
 - Option B, which is based on Section 519.021 (B) provides that the board of township trustees may adopt PUD regulations, that allow a property owner to designate their property PUD in accordance with the zoning map amendment process of the township zoning resolution and Section 519.12 of the ORC, and at the simultaneously adopt regulations that are proposed by the property owner/developer that will only apply to the specified property (zoning text amendment).
 - Should the board of trustees approve the zoning map amendment and the zoning text amendment then the property owner/developer would submit plans in accordance with the adopted PUD regulations for the specified property.
 - The PUD zoning text that authorizes this type of PUD in the township zoning resolution outlines the process, and application materials, and generally outlines the zoning standards that the proposed PUD text must address, such as, but not limited to, density, lot standards, setbacks, provision of open space, design standards, landscaping, and buffering, etc. However, it does not provide specific standards as those are reviewed and negotiated during the amendment process.
 - Option C which is based on Section 519.021 (C) provides that the board of township trustees may adopt PUD regulations (zoning text amendment) and amend the zoning map to rezone the property to PUD as an overlay district (zoning text amendment).
 - The PUD zoning text establishes standards that apply to the property that becomes PUD and the



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Zoning Text Amendment

Application #: Z-23-8
Meeting Date: May 22, 2023
Prepared By: Brad Mercer, Planning Manager

process for reviewing development proposals.

- The zoning district existing at the time the board of trustees establish a PUD overlay district, remains on the zoning map and enforce until such time a property owner submits a development plan for review and approval in accordance with the PUD zoning text.
- If the board of trustees or zoning commission as specified in the zoning text approve the PUD development plan, then once approved the Zoning Inspector shall cause the zoning map for the specified parcel to be changed to reflect the PUD as the zoning district for the property. The previous underlying zoning district is then removed and no longer applicable to the property. Generally, the overlying PUD district drops down from the overlay and replaces the existing zoning district on the zoning map.

Recommendation

- The St. Albans Township proposed Article 13 PUD text appears to be utilizing Option A. However, it is not clear in the zoning text. There are also references to an overlay, which would be Option C, but it does not clearly follow an overlay process as detailed in the ORC.
- Therefore, it is recommended that the zoning text clearly state and reference the appropriate section of the ORC that it is deriving its authority. This will be beneficial in developing the text and beneficial to the reviewer of the text so they clearly understand where the authority is obtained. This can be critical when there are questions of law and/or legal challenges as well.
- Once the authority is identified, ensure that the process clearly follows the process per the specified authority.
- There are three PUD types proposed in Section 13.01 of the text including Planned Residential Use (“PUD-R”), Planned Mixed Use (“PUD-MU”) and “PUD-B”).
- The township may desire to develop more than one PUD article or subsection and have different PUDs based on different authorities.
- Option C is a beneficial zoning tool for townships, as it allows them to identify areas to be zoned PUD, that correlate to the adopted comprehensive plan.
 - This in essence completes the zoning map amendment process and developers only need to submit plans and obtain approval to develop the property. This encourages development in desired areas. This does not preclude other areas from being designated in accordance with the comprehensive plan or the modification thereof over time.

- However, in those instances, the property owner would need to go through a full zoning map amendment process, which would add additional time, often several months, to their process before they could start designing and developing the property.
- Again, this is a good tool for the township to direct development. Based on the recently adopted comprehensive plan, this may be a good option for the township. However, in addition to the zoning text, there would be a zoning map amendment. This would either occur simultaneously or should occur shortly after the adoption of the text. Unlike Option B, the ORC is not specific on when this occurs. It merely states they would adopt zoning text and amend the zoning map. Whereas, Option B states they would amend the zoning map and simultaneously amend the zoning text.

Comprehensive Plan & Future Land Use Map:

- The St. Albans Township Board of Trustees adopted the current St. Albans Township Comprehensive Plan on December 13, 2022.
- The proposed PUD does not appear to be contrary to the comprehensive plan.

Specific Recommendations

1. As with any zoning text amendment, the Licking County Planning Commission recommends that the township’s legal counsel review the proposed text to ensure compliance with the Ohio Revised Code, case law, and constitutional requirements.
2. Consider the staff recommendations and comments throughout the LCPC staff report and the attached draft of Article 13 Planned Unit Development.

LCPC Application Z-23-9 | Attachment

This attachment is a detailed review of the proposed zoning text amendment as referenced under "Proposed Text Review and Recommendations in the LCPC Staff Report for application Z-23-9. The text boxes below the specified section numbers or subsection numbers/letters within this draft provide the LCPC review and comments on the specified section number or subsection number/letter.

MAY 7, 2023 DRAFT

Article 13: Planned Unit Development (PUD)

13.1 Establishment of Planned Unit Development Types

The following types of PUDs are hereby established and may be proposed through a zoning map amendment:

- A) "PUD-R" – Planned Residential Use - A planned unit development where the primary use of land is residential with the ability to include public, institutional, and recreational uses as approved by the Township.
- B) "PUD-MU" – Planned Mixed-Use – A planned unit development that includes a mixture of residential, commercial, and office uses as specified in this article with the ability to also include public, institutional, and recreational uses as approved by the Township.
- C) "PUD-B" – Planned Business Use – A planned unit development where the primary use of land is commercial, office, and/or industrial with the ability to include public, institutional, and recreational uses as approved by the Township.

13.2 Purpose Statements

A) Overall Purpose

This article is intended to permit the creation of Planned Unit Development Districts (PUDs) to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Such districts may be permitted as amendments to the St. Albans Township Zoning Map, on application and approval of specific and detailed plans where tracts suitable in location and character for the uses and structures proposed are to be planned and developed.

Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in St. Albans Township. The Township's character is related to the physical attributes of the Township, including its land use patterns and natural resources. The PUD district is intended to achieve the following land use objectives:

- 1) Provide a variety of housing and lot sizes to promote the planning of a development that is more sensitive to the protection of natural resources on sites by clustering the housing in areas physically suited to accommodating development and preserving the resources in open space.
- 2) Encourage the protection of open space by permitting developments with a range of densities that also provide open space, consistent with the open space character of the surrounding area.

LCPC Staff Comment:

Have the township officials considered the inclusion of active recreation elements to make the open space a usable amenity for the community being developed? Inclusion of multi-use paths, observation decks (wetlands, ponds), shelter houses, playgrounds, exercise stations, recreation fields, athletic fields or courts, or other amenities may be

appropriate in areas to make the open space beneficial to the community and not just an area that is forgotten. This does not mean all open space areas need to be active. It is appropriate and beneficial to have areas of conservation where individuals are not invited because of potential health and safety issues.

- 3) Preserve open spaces to reduce erosion, improve water quality, provide wildlife habitats, retain scenic views, and reduce stormwater runoff.
- 4) Preserve areas with steep terrain by respecting topography and other natural features in the development plan and maintaining significant percentages of land in open space in wooded and sloped areas.

LCPC Staff Comment

Consider including the preservation of environmentally sensitive areas such as, but not limited to, high-quality wetlands, floodplains, and stream corridors to allow for the natural function and meandering of the stream and floodplain, mature wooded areas, mature and high-quality wildlife habitats, endangered species habitats, etc. Ensure the definition section of the code includes definitions for each of these. For example, with high-quality wetlands, the township could consult with the Licking County Soil and Water Conservation District and/or Ohio Environmental Protection Agency (OEPA) to identify the U.S. Army Corps of Engineers and OEPA classifications system and relate the zoning text to these classifications.

- 5) Provide for a variety of housing types in a single unified development that is integrated into the community.
- 6) Provide a transition between higher densities in the area around the Village of Alexandria as a transition between the Village and existing farming and rural residential areas in the Township.
- 7) Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.
- 8) Provide a higher level of design review to ensure attractive, well-planned communities and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.
- 9) Respect the balance between building mass or volume and vegetation mass or volume by considering scale relationships between the new development and existing buildings and the landscape.

LCPC Staff Comment

Consider including statements to address and promote the inclusion of pedestrian-oriented, multimodal-oriented facilities within multi-family, commercial, and industrial areas to provide alternate means of accessing these areas other than by personal motor vehicles. Elements such as transit stop facilities, carpooling facilities, bike facilities, pedestrian facilities, etc. are becoming increasingly important and desired by different generations and businesses to allow people to get to work, medical and shopping facilities, etc. There is currently a major need in Licking County to allow for transit as older individuals who cannot drive need access to medical and retail facilities, lower income and individuals who cannot afford or choose not to have car ownership need access to places of employment in addition to retail facilities and medical facilities. Many manufacturing businesses have identified a need for transit to access the

workforce to run their facilities.

Also, consider including statements addressing streetscapes in non-commercial and residential areas, view sheds, historical and/or community-identifying landmarks, etc. Ensure to include definitions of these elements so that the zoning resolution has clearly defined terms.

B) Individual District Purpose Statements

The PUD districts shall have the following purposes:

1) Planned Residential Uses (PUD-R)

For residential uses within a PUD, the objective is to encourage the creation of neighborhoods with a variety of housing types that retain natural resources, provide adequate landscaping and open space areas, and are compatible with the character of adjoining land uses.

2) Planned Mix-Use (PUD-MU) and Business Uses (PUD-B)

For mixed-use developments and business uses within a PUD, the objective is to create streetscapes that emphasize landscaping, coordinated sign control, and uniform architectural character. Proposed buildings should have rooflines and architectural features that provide a sense of identity and emphasize the most important use with visual elements.

13.3 Procedure

A) Planned Unit Development (PUD) Initiation

- 1) PUDs may be initiated by the property owner or an agent of the property owner.
- 2) In cases where multiple property owners are involved, the application shall include a “consent to rezone” letter(s) from all property owners. The “consent to rezone” letter(s) shall designate a single contact or agent who will be responsible for contact with the Township.

LCPC Staff Comment

Define the “consent to rezone” letter and what needs to be included. Does the letter need to be signed by the property owner, if there is more than one owner, do all owners need to sign? Do the signatures need to be notarized? The letter is a good concept because the township is dealing with individuals’ property rights. Therefore, it is important that the property owner is informed or provides legal authority to transfer that right to another. Are there specific legal statements that the township and/or their legal counsel want to see in the letter? If so, include those so that the owner clearly understands what is expected of them. A sample letter may be beneficial to include in the appendix.

- 3) The Zoning Commission or Board of Trustees may initiate a PUD zone change in compliance with the Ohio Revised Code 519.021 (C) whereby the PUD zoning district will be an overlay providing a property owner the choice between choosing to utilize the PUD zoning or the underlying zoning district. A property owner may choose to use the approved PUD zoning by submitting an application accepting the PUD zoning as approved and completing the PUD Preliminary and Final Development Plan reviews and approvals.

LCPC Staff Comment

See also the comments under the “Compatibility with the Ohio Revised Code” section of the LCPC Staff Report. This is a subsection that references Option C (Section 519.021 [C]) of the ORC, yet the overall text and process

seem to follow Option A (Section 519.021 [A]) of the ORC. Therefore, it is unclear which authority the text is trying to implement.

B) Concept Plan Review and PUD Zoning Map Amendment Procedure

1) Concept Plan Review

(a) Step 1 – Preapplication Conference and Meetings

- (i)** The applicant should meet with the Zoning Inspector to discuss the initial concepts of the proposed PUD and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (ii)** During this time, an applicant may also request an informal public meeting with the Zoning Commission to discuss the initial concepts.
- (iii)** Discussions that occur during a preapplication conference or meetings with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by St. Albans Township or its officials regarding any aspects of the plan or application discussed.

(b) Step 2 – Concept Plan Application and PUD Zoning Map Amendment

- (i)** Following at least one Concept Plan Review preapplication conference or meeting to discuss the initial concepts (Step 1), the applicant shall submit an application for a PUD zoning map amendment and concept plan review.
- (ii)** The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. (See Sections 13.03 (B) (2) Additional Requirements and (3) Crucial Features and 13.05 (A) Concept Plan Requirements)
- (iii)** Each application shall be signed by all of the owners or the owners' authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications, except when initiated by the Board of Trustees or Zoning Commission.
- (iv)** All applications shall be submitted with the required fees as established in the St. Albans Township fee schedule.
- (v)** The application shall include a list of the names and mailing addresses of adjacent property owners within 500 feet including those with shared lot lines and those directly across the street.
- (vi)** The applicant shall submit the concept plan simultaneously with the application for a PUD zoning map amendment.

(c) Step 3 – Site Visit

- (i)** Upon the filing of an application for a concept plan and PUD zoning map amendment (Step 2), the applicant is strongly encouraged to schedule a site visit with the Zoning Commission.
- (ii)** Upon completion of a site visit, the Zoning Commission shall, at their next regularly scheduled meeting, disclose any discussions held with the applicant during the site visit related to the proposed development.
- (iii)** The site visit shall be noticed in accordance with State law.

LCPC Staff Review

If the Zoning Commission Board is walking the site and discussing business, then the event is a public meeting in accordance with the Ohio Sunshine Laws and needs to be conducted as a meeting, even if it is in the field. Therefore, minutes and other normal meeting procedures to open, conduct, and close a meeting need to be undertaken. The public would need to be able to attend and observe. Alternatively, each board member could walk the site individually or with another board member provided that there is not a quorum and no business is discussed. Then during a board meeting the zoning commission could have a discussion. It is recommended that the township's legal counsel weigh in on this matter before adoption to limit the potential for legal challenges.

(d) Step 4 – Referral to the Licking County Planning Commission

- (i) Upon receipt, the Township shall submit a copy of the application, to the Licking County Planning Commission.
- (ii) The Licking County Planning Commission shall make a non-binding recommendation of the proposed concept plan and PUD zoning map amendment and shall submit such recommendation to the Zoning Commission.
- (iii) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed concept plan and PUD zoning map amendment.

(e) Step 5 – Public Hearing with the Zoning Commission

- (i) Upon the filing of an application for a concept plan and PUD zoning map amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed concept plan and PUD zoning map amendment.
- (ii) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
- (iii) Notification shall be given in accordance with add reference to appropriate rezoning section for public notice.

(f) Step 6– Recommendation by the Zoning Commission

Within 30 days after the Zoning Commission's public hearing (Step 5), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed concept plan and PUD zoning map amendment and submit such recommendation together with such application, concept plan, and recommendation of the Licking County Planning Commission to the Board of Trustees.

(g) Step 7 – Public Hearing with the Board of Trustees

- (i) Upon receipt of the recommendation from the Zoning Commission (Step 6), the Board of Trustees shall set a time for a public hearing on such proposed concept plan and PUD zoning map amendment.
- (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (iii) Notification shall be given in accordance with add reference to appropriate rezoning section for public notice.

(h) Step 8 – Decision on Concept Plan and Map Amendment

- (i) Within 20 days after its public hearing (Step 7), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
- (ii) Approval of the concept plan shall include density, intensities, land uses and their inter-relationship.
- (iii) The Board of Trustees' decision on the concept plan and PUD zoning map amendment is a legislative action of the Board of Trustees and is subject to the same effective date and referendum provisions as set forth in Section 3.06 (C) (Effective Date and Referendum). After approval of the concept plan and PUD zoning map amendment, and after the subsequent referendum period (30 calendar days) has ended, the Official Zoning Map shall be changed to reflect this amendment.

LCPC Staff Review

Section 3.06 (C) Effective Date and Referendum does not exist in the proposed text. The text only goes up to Section 3.05. Is this intended to reference Section 13.03 (E) Time Limits of the proposed text? If so, then time limits for the concept plan need to be included in Section 3.03 (E). The text should address the time limit and whether or not the concept plan expires.

- (iv) Once the PUD zoning map amendment is effective, the requirements for PUDs in Sections 13.03 (E) (Preliminary Development Plan Review Procedure) and (D) (Final Development Plan Review Procedure), along with the approved concept plan, and any approved conditions, shall apply to the future development of the property, if the property is developed as a PUD.

2) Additional Requirements for the Concept Plan

In approving a concept plan, the Township shall establish the maximum density of the PUD. The project density approved by the Board of Trustees in the concept plan

shall be subject to the development standards of this resolution and any conditions of the approved concept plan. If the applicant cannot achieve the maximum approved density, then the applicant shall be limited to the density achieved from the application of the standards and any conditions.

LCPC Staff Comment:

Clarify the following statement: *If the applicant cannot achieve the maximum approved density, then the applicant shall be limited to the density achieved from the application of the standards and any conditions.* The first two sentences of this paragraph state that they need to comply with the standards, then it is unclear what this sentence is trying to convey.

Additionally, the second sentence under Section 13.03 (B) (2) should reference Section 13.04 (A) of the code so it is clear which standards are being referenced.

3) Crucial Features of the PUD (Concept Plan)

- (a)** The Township may incorporate a list of “crucial features of the PUD” as part of a concept plan approval with additional crucial features to be designated in the preliminary and final development plans approval process.
- (b)** The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 13.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, pedestrian and vehicular connectivity, net and gross density, rural aesthetics, smart growth principles, protected natural resource areas or features, or other key elements of the development.
- (c)** The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustees’ decision.
- (d)** If a list of crucial features is included in the decision on the concept plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

C) Preliminary Development Plan Review Procedure

1) Preliminary Development Plan Review

(a) Step 9 – Submission of a Preliminary Development Plan

- (i)** Once the concept plan and PUD zoning map amendment have been approved by the Board of Trustees, the applicant shall proceed with the preparation of the preliminary development plan(s) in whole or in phases. A final development plan can be processed concurrently with a preliminary development plan review by combining all requirements in 13.03 (C) (Preliminary Development Plan Review) and (D) (Final Development Plan Review) with the preparation of the “preliminary and final development plan.”

- (ii) The preliminary development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
 - (iii) The preliminary development plan shall be consistent with the applicable PUD requirements in this zoning resolution and the contents of the approved concept plan. The preliminary development plan shall be prepared by a professional urban planner, engineer, architect, or landscape architect.
 - (iv) A preliminary development plan shall propose all necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for the purpose of maintaining the specified common open space within all residential planned developments.
 - (v) The application shall include a list of the names and mailing addresses of adjacent property owners within 500 feet including those with shared lot lines and those directly across the street.
- (b) Step 10 – Public Meeting with the Zoning Commission**
- (i) Upon receipt of the detailed preliminary development plan and recommendations of Township staff, the Zoning Commission shall, at a public hearing, study and review the preliminary development plan to determine whether all requirements have been satisfied, and the conditions specified in Section 13.03 (C)(2) (Additional Requirements for a Preliminary Development Plan) have been met.
 - (ii) The Zoning Commission Secretary shall mail written notices of the public meeting to adjacent property owners a minimum of ten days in advance of the scheduled meeting. The notice shall be sent through the regular mail.
- (c) Step 11 – Decision by the Zoning Commission**
- (i) Within 30 days of the Zoning Commission's public hearing (Step 10), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed preliminary development plan, and submit such recommendation to the Board of Trustees.
 - (ii) The Zoning Commission's decision on the preliminary development plan is an administrative action of the Zoning Commission and is not subject to referendum.
 - (iii) Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.
- (d) Step 12 – Public Meeting with the Board of Trustees**
- (i) Upon receipt of the recommendation from the Zoning Commission (Step 11), the Board of Trustees shall set a time for a public hearing on the preliminary final development plan.
 - (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
 - (iii) The Fiscal Officer shall mail written notices of the public hearing to adjacent property owners a minimum of ten days in advance of the scheduled meeting. The notice shall be sent through the regular mail.

(e) Step 13 – Decision on the Preliminary Development Plan

- (i)** The Board of Trustees may either adopt or overturn the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be

LCPC Staff Review

At the end of Section 13.03(C)(1)(c)(ii) add the text “*but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.*” This is the language from Section 519.021 of the Ohio Revised Code and will give clear direction to the township and the owner of the property of the owner’s rights.

required.

- (ii) The Board of Trustee's decision on the preliminary development plan is an administrative action of the Board of Trustees and is not subject to referendum.

2) Additional Requirements for the Preliminary Development Plan

The following criteria shall serve as conditions for the review and approval of the preliminary development plan by the Zoning Commission:

- (a) The preliminary development plan is consistent with the intent and purpose of this zoning resolution and, in particular, the furtherance of the purpose of the PUD as set forth in Section 13.02 (Purpose Statements).
- (b) The PUD and preliminary development plan are consistent with the adopted St. Albans Township Land Use Plan.
- (c) The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the St. Albans Township or Licking County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and in the traffic impact analysis, if required, that are attributable to the proposed development.
- (d) The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities.
- (e) The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.
- (f) Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.
- (g) The PUD is designed to minimize the impact on the natural environment and complies with the performance standards set forth in Section 13.04.
- (h) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review. Agencies include but are not limited to Licking County Soil & Water, Licking County Engineer, Licking County Planning Commission, St. Albans Township Fire Department, Northridge Local School District.
- (i) When the Township boards are reviewing a new or modified preliminary development plan following the expiration of a previous development plan (See Section 13.03 (E) (Time Limits), the Township may take into consideration changes in Township land use and development policy when making recommendations and decisions related to the preliminary development plan.

3) Crucial Features of the PUD (Preliminary Development Plan)

- (a) The Township may incorporate a list of "crucial features of the PUD" as part of a preliminary development plan approval.

- (b) The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 13.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, pedestrian and vehicular connectivity, net and gross density, rural aesthetics, smart growth principles, protected natural resource areas or features, or other key elements of the development.
- (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustees' decision.
- (d) If a list of crucial features is included in the decision on the preliminary development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

D) Final Development Plan Review Procedure

1) Final Development Plan Review

(a) Step 14 – Submission of a Final Development Plan

- (i) Once the preliminary development plan has been approved by the Board of Trustees, the applicant shall proceed with the preparation of the final development plan(s) in whole or in phases.
- (ii) The final development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
- (iii) The final development plan shall be consistent with the applicable PUD requirements in this zoning resolution, the contents of the approved concept plan, and the approved preliminary development plan. The final development plan shall be prepared by a professional urban planner, engineer, architect, or landscape architect.
- (iv) A final development plan shall propose all necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for the purpose of maintaining the specified common open space within all residential, mixed-use and business planned developments.
- (v) The application shall include a list of the names and mailing addresses of adjacent property owners within 500 feet including those with shared lot lines and those directly across the street.

(b) Step 15 – Public Hearing with the Zoning Commission

- (i) Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public hearing, study and review the detailed final development plan to determine whether all requirements have been satisfied, and the conditions specified in Section 13.03 (D) (2) (Additional

Requirements for the Final Development Plan) have been met.

- (ii) The Zoning Commission Secretary shall mail written notices of the public meeting to adjacent property owners a minimum of ten days in advance of the scheduled meeting. The notice shall be sent through the regular mail.

(c) Step 16 – Decision by the Zoning Commission

- (i) Within 30 days of the Zoning Commission’s public hearing (Step 15), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed final development plan, and submit such recommendation to the Board of Trustees.
- (ii) The Zoning Commission’s decision on the final development plan is an administrative action of the Zoning Commission and is not subject to referendum.
- (iii) Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

(d) Step 17 – Public Hearing with the Board of Trustees

- (i) Upon receipt of the recommendation from the Zoning Commission (Step 16), the Board of Trustees shall set a time for a public hearing on the final development plan.
- (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (iii) The Fiscal Officer shall mail written notices of the public hearing to adjacent property owners a minimum of ten days in advance of the scheduled meeting. The notice shall be sent through the regular mail.

(e) Step 18 – Decision on the Final Development Plan

- (i) The Board of Trustees may either adopt or overturn the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
- (ii) The Board of Trustee’s decision on the final development plan is an administrative action of the Board of Trustees and is not subject to referendum.

LCPC Staff Review

At the end of Section 13.03(D)(1)(e)(ii) add the text “*but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.*” This is the language from Section 519.021 of the Ohio Revised Code and will give clear direction to the township and the owner of the property of the owner’s rights.

- (iii) After approval of the final development plan, the applicant shall be required to submit a revised final development plan incorporating any revisions or modifications approved by the Township to be maintained for Township records.

2) Additional Requirements for the Final Development Plan

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development plan:

- (a)** Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan.

- (b) The proposed detailed final development plan for an individual section of the overall PUD is consistent in contents (building location, as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan.
- (c) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained. No individual phase shall exceed the approved density.
- (d) That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Board of Trustees, left in its natural state.
- (e) That any exception from the design standards provided in the PUD is warranted by the design and amenities incorporated in the detailed final development plan
- (f) That the detailed final development plan is consistent with the intent and purpose of this Zoning Resolution.
- (g) Proposed covenants, easements and other provisions meet development standards and protect the public health, safety and general welfare.
- (h) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review. Agencies include but are not limited to Licking County Soil & Water, Licking County Engineer, Licking County Planning Commission, St. Albans Township Fire Department, Northridge Local School District.
- (i) Final development plans shall include a list of any and all features in the PUD Plans which were crucial, and indispensable, in order to gain PUD approval from the Township. This list, under the heading, "Crucial Features for this PUD," shall be reviewed for approval or denial as part of the PUD process and shall be placed in a prominent position on the drawings to remain a permanent component of the record drawings.

3) Crucial Features of the PUD (Final Development Plan)

- (a) The Township may incorporate a list of "crucial features of the PUD" as part of a final development plan approval.
- (b) The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 13.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, pedestrian and vehicular connectivity, net and gross density, rural aesthetics, smart growth principles, protected natural resource areas or features, or other key elements of the development.
- (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of

crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustees's decision.

- (d) If a list of crucial features is included in the decision on the final development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

E) Time Limits

- 1) The final development plan shall be submitted within one year after approval of the preliminary plan, or the approval of the preliminary plan will expire and the plan will be deemed null and void.
- 2) Upon expiration of the preliminary plan, the property shall still be zoned as a PUD with a voided preliminary plan. The property owner or authorized agent may submit an application and new preliminary plan for consideration pursuant to Section 13.03 (Procedure) or an application for a zoning map amendment to another district.
- 3) If the applicant has not received subdivision plat approval or an extension pursuant to Section 13.03 (F) below within one-year of the approval of the final development plan approval, both the preliminary and final development plans will become null and void.
- 4) Upon the expiration of the preliminary and/or final development plan, the Board of Trustees or the Zoning Commission may initiate a zoning map amendment to change the PUD zoning on the property to another zoning district. The applicant may also initiate a zoning map amendment or submit a new concept plan, with all applicable fees, pursuant to the review procedure established in this article.
- 5) For phased developments, the Zoning Commission and Board of Trustees may approve a phased preliminary and final development plan schedules as part of the concept, preliminary and/or final development plan approvals. In such case, the approved time frames shall establish when the approved development plans shall expire.
- 6) The Board of Trustees may issue an extension for more than one year.

F) Review of Status of PUD Development Plans

- 1) If an applicant fails to comply with all of the provisions of this article, the Board of Trustees may review the status of any approved PUD district or any development plan, and take action, in accordance with the following procedures:
 - (a) The Board of Trustees may hold a public hearing to review the status of any approved development plan and, at the conclusion of the hearing, may by resolution:
 - (i) Extend any applicable time period; or
 - (ii) Modify or revoke the preliminary and/or final development plan approval.
 - (b) The Board of Trustees may initiate a zoning map amendment to rezone the property to another zoning district.
- 2) If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the Board of Trustees.

G) Approved Plans Stay with Land

- 1) Approved concept, preliminary and final development plan shall be attached to the land for which the plans were approved, regardless if the land ownership,

developer, or applicant changes.

- 2) If there is a change in land ownership, the new land owner may:
 - (a) Continue with the PUD process and development in accordance with this article and the approved plans;
 - (b) Submit a new preliminary development plan and/or final development plan and associated application fees in accordance with this article or St. Albans Township Zoning Fee Schedule; or
 - (c) Submit an application for a zoning map amendment in accordance with Section 3.06 (Zoning Text and Map Amendments) of this resolution.
 - (d) In the instance where neither the original property owner nor subsequent property owners have consented to a PUD Concept Plan, the underlying zoning may be utilized in lieu of PUD development.

LCPC Staff Review

The statement under Section 13.03(G)(2)(d) does not make sense. In instances wherein the zoning map change has occurred, the underlying zoning district would no longer exist. It would have been replaced by the PUD zoning district. In order to revert back to the prior district the property owner or the township would need to go through the zoning map amendment process in accordance with the zoning amendment process in the zoning resolution and Section 519.12 of the Ohio Revised Code. If the zoning map amendment has not been approved yet then the existing zoning would still be effective and the PUD was never effective. What is the intent of this subsection? Clarify the text.

H) Effect of a Final Development Plan

- 1) The approved final development plan shall be kept on record in the Township offices together with all resolutions, applications, plats, plans, and other information regarding the development.
- 2) The resolutions prepared by the Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the property in the PUD.
- 3) The use of the PUD property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this zoning resolution and subject to the procedures and penalties specified in Article 3 Section 312 (Enforcement and Penalties).

I) Required Conditions for the Issuance of a Zoning Permit

- 1) A zoning permit may be issued for a structure in a PUD district, in accordance with an approved final development plan, following approval by the Licking County Planning Commission of a final subdivision plat for that portion of the PUD within which the proposed structure is to be located, and recording of the approved subdivision plat.
- 2) No zoning permit shall be issued for any property in a PUD and no construction, except preliminary excavation, shall begin until an approved final development plan is in effect for that phase or property. The final development plan becomes effective upon approval by the Board of Trustees.

J) Modifications to Approved Concept, Preliminary or Final Development Plans

1) If an applicant proposes to modify an approved concept plan, preliminary plan or final development plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs (3) and (4) below.

2) The proposed modifications shall be classified as a minor or major modification based on the following:

(a) Major Modifications

Major modifications shall involve:

(i) Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved concept and preliminary development plan or changes to the location or amount of land designated for a specific land use

or open space;

- (ii) A reduction of more than five percent in the number of parking spots;
 - (iii) A change of the permitted uses to a use not otherwise permitted in the proposed PUD;
 - (iv) Any change that will increase demand on any on- or off-site infrastructure;
 - (v) Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PUD;
 - (vi) An expansion of a building footprint that affects the specified setbacks of the approved plan;
 - (vii) Changes to the property or project boundaries of the entire PUD District;
 - (viii) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations,
 - (ix) Any proposed change to a preapproved crucial feature, or
 - (x) Any change that the Zoning Commission determines, after review, should be forwarded on to the Board of Trustees as a major modification.
- 3) Review of Minor Modifications
- (a) Any modification not listed above as a major modification will be deemed a minor modification.
 - (b) The Board of Trustees shall be responsible for reviewing and making a decision on minor modifications to an approved concept and preliminary development plan.
 - (c) Such review and decision shall take place at a public meeting of the Board of Trustees and shall not require any additional notice beyond what is required by the ORC for public meetings.
 - (d) The decision of the Board of Trustees on minor modifications shall be deemed administrative.
 - (e) If a concept plan is amended, any future preliminary or final development plans shall comply with the amended concept plan.
- 4) Review of Major Modifications
- (a) Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the concept plan pursuant to Section 13.03 (B) (Concept Plan Review Procedure) with the following provisions:
 - (i) The new plan shall not be subject to review by the Licking County Planning Commission; and
 - (ii) Major modifications shall be subject to new application fees.
 - (b) If a concept plan is amended, any future preliminary and final development plans shall comply with the amended concept plan.

13.4 PUD Development Standards

Except as otherwise authorized by the Zoning Commission and the Board of Trustees, PUD districts shall comply with the following development standards:

A) Density and Intensity of Uses

- 1) All PUDs shall have a minimum site area of five acres.
- 2) All PUDs shall comply with the standards set forth in Table 13.04-1.

- 3) A minimum of 35 percent of the floor area in a PUD-MU shall be residential dwelling unit.

TABLE 13.04-1: PUD DENSITY AND INTENSITY STANDARDS

Zoning District	Minimum Open Space Required	Maximum Gross Density	Maximum Net Density
PUD-R without sewer	40%	0.50 dwelling units per acre	0.80 dwelling units per acre
PUD-R with sewer	35%	2.00 dwelling units per acre	4.25 dwelling units per acre
PUD-R within 500 feet of a municipal boundary	20%	8.00 dwelling units per acre	16 dwelling units per acre
PUD-B	20%	1.00 FAR	1.0 FAR
PUD-MU	30%	4.50 dwelling units per acre	7.50 dwelling units per acre

FAR = Floor Area Ratio – FAR is calculated as a ratio of the total gross floor area of the building(s) divided by the total square footage of the lot area.

B) Lot Standards

A PUD may contain various housing types which shall comply with the minimum lot size, frontage, and setback requirements set forth in Table 13.04-2.

TABLE 13.04-2: LOT STANDARDS

Unit Type	Minimum Area (Sq. Ft.)	Minimum Lot Width (Feet)	Minimum Front Yard [1] (Feet)	Minimum Side Yard[1] (Feet)	Minimum Rear Yard[1] (Feet)
Single-family detached [2][3]	10,500	60	25	8	30
Two-family [2][3]	5,000 per unit	50	20	6	25
Multi-family: four units or less [2][3]	3,000 per unit	25	20	none	30
Multi-family: more than four units [2]	2,500 per unit	100	30	12	25
Nonresidential [2][4]	20,000	100	40	10	75

NOTES:

[1] Setbacks may be adjusted if the applicant proposes building pads that will protect natural resources on the site. Setbacks may also be waived for the PUD-MU and PUD-B when similar uses will be abutting each other along a lot line.

[2] The minimum lot area for lots without access to sanitary sewer shall be determined by the requirements of the Licking County Board of Health.

[3] Side and rear yard setbacks may be varied for these unit types if an attached garage is proposed in the rear of a dwelling.

[4] Setbacks may be varied for nonresidential buildings to minimize conflicts with adjoining residential uses, consistent with the intent to have buildings nearer the street with adequate landscaping and to locate parking at the rear of the building.

LCPC Staff Review

In regards to Table 12.03-1 and Table 13.04-2 above, it is recommended that the following are taken into consideration when establishing these densities and lot standards. The Southwest Licking Community Water and Sewer District require water and/or sanitary lines to be located in easements outside the road right-of-way. Depending on the depth of the line the width of the easement may vary. Some subdivision plans approved at the county level have 20' to 30' easements from the road right-of-way for the sanitary lines within the development. It is the LCPC staff's understanding that no planting or structures are permitted in this easement. The Southwest Licking Community Water and Sewer District would need to be consulted for official details on their requirements.

The Licking County Subdivision Regulations require 10-foot utility easements along rear lot lines and side lot lines to accommodate utilities such as gas, electric, phone, DSL, etc. In regards to side lot lines, this may be 5 feet on each side of the common lot line between lots. Additionally, developers usually place drainage infrastructure and swales in the rear of lots and along some side lot lines to direct drainage to regional stormwater basins. These drainage facilities have easements that restrict the use of the area and are limited to the drainage infrastructure. I.e. no structures, plantings, or other utilities are permitted to maintain the free flow of drainage. These easements vary depending on the infrastructure but are often maybe 20 feet in width. Therefore, 20 to 30 feet of the rear yard and possibly the side yard could be restricted between utility easements and stormwater easements. This limits the area for buildings, yards, landscaping, and accessory structures. These factors in addition to other township zoning standards, and the need/desire, to have yard area from a property owner perspective for parking, landscaping, fencing, accessory structures, etc., should be taken into consideration when setting lot standards and densities.

It is also noted that developers are increasingly wanting smaller lots to meet the demand for affordable housing and buyers who do not want a yard to maintain. It comes down to considering all these factors and balancing them.

C) Accessory Uses and Structures in a PUD District

Accessory uses in a PUD District shall be subject to the following standards:

- 1) Accessory uses and structures related to single-family and two-family dwellings shall be subject to the standards applied to accessory uses in the Article 9 Section 9.14 District.
- 2) Accessory uses and structures related to multi-family dwellings shall be subject to the standards applied to accessory uses in the MFR District.
- 3) Accessory uses and structures related to nonresidential uses shall be subject to the standards applied to the GB District.

D) Resource Protection Standards

- 1) The natural resources listed in this section are resources that are sensitive to development and shall be protected.
- 2) Table 13.04-3 establishes the minimum percentages of those natural resource areas that are to be preserved as part of the open space requirements (See Section 13.04 (A).). The Zoning Commission and Board of Trustees may reduce the percentages listed in Table 13.04-3 if they make a finding that:
 - (a) The proposed alternative achieves the intent of resource protection to the same or better degree than the subject standard;
 - (b) The proposed alternative achieves the goals and intent of this resolution and the land use plan to the same or better degree than the subject requirement; and
 - (c) The proposed alternative results in benefits to the Township that are equivalent to or better than compliance with the established percentage.
- 3) Preliminary and final development plans shall include maps of the resources identified in Table 13.04-3 and indicate those portions that will be protected within the open space required as part of the PUD and permanently protected in accordance with this article.

TABLE 13.04-3: RESOURCE PROTECTION STANDARDS	
Natural Resource	Percentage to be Preserved
Floodplains as defined by FEMA	100%
Wetlands	Subject of U.S. Army Corps of Engineers and Ohio EPA requirement
Unstable slopes (Eden and Fairmount soils with 25 – 50% slopes)	90%
Steep slopes 30% or steeper	85%
Steep slopes 20 – 30%	70%
Young Woodland	25%
Mid-growth Woodland	40%
Mature Woodland	50%

LCPC Staff Review

In regards to Table 12.04-3 above and the natural resource of wetlands consider requiring 100% of high-quality wetlands to be preserved and protected. High-quality wetlands are difficult and expensive to recreate and takes years to regain the benefit of the natural wetland that was existing. Therefore, it is beneficial to the community to preserve these areas. It is recommended that the Licking County Soil and Water Conservation District and/or the Ohio Environmental Protection Agency be consulted to determine the appropriate classification of wetlands that are high-quality and beneficial to preserve. Include those standards in the definitions of these types of wetlands in the text. Then those that are not high-quality may in accordance with the U.S. Army Corps of Engineers and the Ohio EPA Requirements be mitigated if approved by said agencies.

E) Open Space and Resource Protection Area Ownership and Maintenance

- 1) Any open space preserved as part of one of the PUD types shall be preserved or used in a manner established within the specific PUD and shall be either:
 - (a) Owned by the Township, County, State, or park district subject to acceptance by the appropriate legislative body; or
 - (b) Protected by a conservation easement as outlined in Section 13.04 (E)(4) and as approved by the Township Zoning Commission and Board of Trustees; and/or
 - (c) Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners' association.
- 2) The following areas shall not count toward the minimum open space required in Table 13.04-1:
 - (a) Private and public roads, and associated rights-of-way;
 - (b) Other public utility rights-of-way and easements in excess of 50 feet;
 - (c) Public or private parking areas, access ways, and driveways related to any residential use;
 - (d) Required setbacks between buildings, and parking areas;
 - (e) Required setbacks between buildings and streets;
 - (f) Required minimum spacing between buildings and parking areas;
 - (g) Private yards, including front, back and side yards; or
 - (h) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

LCPC Staff Review

Consider including areas solely for the purpose of stormwater retention or detention. Often developments will have areas that are for stormwater detention that do not have suitable area for any other use listed as open space. These areas are not conservation areas and they are not active recreation areas that are beneficial open space areas to the community. These areas are solely a functional area for stormwater management in the development. Should these elements be part of a larger open space and can be made an amenity along with active recreation facilities such as walking paths, etc. then it would be appropriate to allow them to count as part of

the overall open space.

- 3) Wherever possible, open space should be located contiguous to open space, parks, and recreational lands adjacent to the subject property.
- (a) Multiple small isolated parcels shall be discouraged.
 - (b) All open space areas shall have a minimum width of 30 feet in all directions in order to count toward the open space requirement.

LCPC Staff Review

Consider having a minimum area that may be counted as open space and a requirement that the open space must be accessible from a public road. Some developments leave areas that are not easily accessible or landlocked as open space making them unusable. These areas often become nuisance areas and subject of complaints from neighboring residents. Having a minimum area and a minimum frontage along a public road will ensure the area is useable, beneficial, and accessible.

- 4) Conservation Easements
- (a) Prior to the recording of a PUD subdivision, a conservation easement may be placed on all lands and private waters used to satisfy the open space requirement of this district. The conservation easement shall:
 - (i) Run with the land, regardless of ownership;
 - (ii) Provide for protection of the land in perpetuity;
 - (iii) Be granted and deeded to the Township, a Township approved land trust, or other qualified organization approved by the Township.

LCPC Staff Comment

This subsection appears to conflict with (E)(1)(a) above which requires the open space to be owned by the Township, County, State, or park district. If a township-approved land trust is an option then it should also be listed under (E)(1)(a) above.

- (iv) Be solely for the purpose of ensuring the land remains undeveloped; and

LCPC Staff Comment

Consider including active recreation facilities as an option or a required percentage of the overall open space required. Examples of active recreation may be multi-use trails, exercise stations, playgrounds, recreation fields, athletic fields or courts, etc. An example of requiring a percentage of open space being active recreation. The township could consider requiring that 5% of the overall open space be developed as

active recreation. Standards would need to be provided such as proximity to lots, buffering, setbacks, delineation of the active recreation element from conservation areas or private lots, etc.

- (v) Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
- (b) While the Township, Township approved land trust, or other qualified organization must hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the PUD), or the homeowners' association.

LCPC Staff Comment

This subsection appears to conflict with (E)(1)(a) above which requires the open space to be owned by the Township, County, State, or park district. If a township-approved land trust is an option then it should also be listed under (E)(1)(a) above.

- (c) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this Zoning Resolution. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.
- 5) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and final PUD plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Zoning Commission and Board of Trustees. Any restrictions on the established open space shall be memorialized in a conservation easement consistent with the provisions of Section 13.04 (E)(4).
- 6) Homeowners or Property Owners' Associations
When a homeowners' or property owners' association owns any open space, common areas or conservation easements in accordance with Section 13.04 (E)(1), then such association shall be subject to the following;
 - (a) A homeowners' or property owners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the PUD.
 - (b) All homeowners' association or property owners' agreements shall be submitted for approval as part of the final development plan review procedure. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners' or property owners' association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' or property owners' association shall permit the abrogation of any duties set forth in this section.
 - (c) All homeowners' or property owners' associations shall guarantee maintenance of all open space and common areas within the boundaries

of the development. In the event of a failure to maintain such open space or common areas, the Township may do any of the following:

- (i) If the open space or common area is owned by the Township, Township approved land trust or other qualified organization, County, State or a park district, the Township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowners' or property owners' association, or seek to enforce the homeowners' or property owners' association's duty to maintain through an injunction or any other civil penalty.
- (ii) If the open space or common area exists pursuant to a conservation easement owned by the Township, the Township may seek to enforce the terms of the conservation easement as provided in Section 13.04 (E)(4).

LCPC Staff Comment

Consider what happens if the homeowner's association ceases to exist. Include a requirement that if the homeowner's association ceases to exist, then the homeowners collectively are responsible for the open space as detailed herein.

F) Landscaping Requirements

- 1) Landscaping shall be provided as follows and shall meet the minimum standards of Article 12 (Landscaping, Buffering and Fences).
- 2) Existing vegetation may count toward any landscaping requirement if it meets the provisions of Section 12.05 (Landscaping Materials and standards).
- 3) Open Space
 - (a) Open space areas shall be designated on the plan as recreation areas, buffer yards, resource protection areas, and other open space.
 - (b) Areas designated as resource protection areas shall be retained in their natural state except for areas upon which pedestrian trails are located.
 - (c) Non-recreational open spaces that are to be mowed and maintained with a lawn ground cover shall have a minimum of four canopy trees planted per acre.
- 4) Parking Lots
Parking lots shall be landscaped in accordance with Section 12.08 (Interior Landscaping for Parking And Loading Area).
- 5) Buffers and Screening
Buffers and screening shall be provided in accordance with Article 12.
- 6) Street Trees
 - (a) All public and private streets shall have street trees installed outside the right-of-way on both sides of the road. A minimum 15-foot easement shall be provided from the back of the pavement or curb where street trees and utilities can be located.
 - (b) Two canopy trees per every 100 linear feet of street length, including driveway cuts, shall be provided.

G) Architectural Standards

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- 1) Reserved for future use.

LCPC Staff Review

Section 13.02(B)(2) emphasizes architectural features as a major consideration of the PUD. Therefore, this section should be developed now or in the immediate future to ensure that the purpose is supported with beneficial standards.

H) Parking and Loading

Parking and loading shall be provided in accordance with the provisions of Article 10 (Off Street Parking and Loading Areas) of the St. Albans Township Zoning Resolution, subject to the landscaping requirements of Article 12 Section 12.08 (Parking Area Landscaping).

13.5 Special Submittal Requirements for PUDs

A) Concept Plan Requirements

Any concept plan submittal shall require the following information in text and map form:

- 1) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development, except when initiated by the Board of Trustees or Zoning Commission.
- 2) Aerial mapping of the property showing the general features which may include: significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.
- 3) A map showing highways and streets in the vicinity of the tract; the ingress and egress to the tract; and existing utilities and sidewalks on or adjacent to the tract.

- 4) A general plan for the site showing the location of general land areas to be developed, the general boundaries of the land use, estimated density, and a simple diagram of vehicle and pedestrian circulation. This can be accomplished in a general bubble diagram, sketch, or other drawing to illustrate the concept behind the proposal without requiring the illustration of lot lines, setbacks, detailed street design, or other engineering drawings.
- 5) Survey plat of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries, the area and district to be rezoned if applicable, and the property ownership of the site and all adjacent parcels within 500 feet of the subject site.
- 6) A list of names and addresses of all owners of property within 500 feet of the subject site.

B) Preliminary Development Plan Requirements

Any preliminary development plan submittal shall require the following information in text and map form:

- 1) A Preliminary Development Plan shall be filed for any portion of an approved Concept Plan the applicant wishes to develop and it shall conform substantially to the approved Concept Plan and shall conform to any applicable Licking County regulations or other County requirements for maintaining safety.
- 2) Plat of the survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries and the property ownership of the site and all adjacent parcels and buildings within 100 feet of the subject site.
- 3) A list of names and addresses of all owners of property within 500 feet of the subject site.
- 4) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
- 5) Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.
- 6) Base mapping of the property showing the physical features. Including; significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.
- 7) Boundaries and easements of the tract.
- 8) Highways and streets in the vicinity of the tract; the ingress and egress to the tract; existing utilities and sidewalks on or adjacent to the tract.
- 9) A drainage analysis that includes a description of soil conditions and proposed method of compliance with the Licking County Stormwater and Sediment Control Regulations.
- 10) A site plan showing the location of general land areas to be developed, including type and description of land uses, proposed principal streets, proposed lots, including set back lines, and blocks, proposed sidewalks and pedestrian circulation system, and proposed public or common open space or other public

facilities, including parks, playgrounds, school sites and recreational facilities.

- 11) Calculations of density, open space and resource protection land.
- 12) Proposed treatment of existing topography, drainage ways, tree cover, and proposed landscaping and buffer plantings.
- 13) Preliminary engineering plans including; site grading; drainage and utility improvements and extensions as necessary; street improvements, showing proposed general location of vehicular circulation routes and how this circulation pattern relates to the primary and secondary road alignments designated on the Licking County Thoroughfare Plan.
- 14) A traffic impact analysis, as required by the Licking County Engineer or Ohio Department of Transportation, of the proposed development on roadways and intersections within a study area based upon net project trip generation methodology consistent with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation and Information Report that addresses the following elements:
 - (a) Existing roadway conditions, including existing deficiencies and proposed improvements;
 - (b) Trip generation based upon the development characteristics;
 - (c) Distribution and assignment of trips based upon existing and future roadway network, travel time characteristics;
 - (d) Background traffic projections
 - (e) Capacity (level of service) analysis methodology for roadways and intersection;
 - (f) Types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development.
- 15) A traffic impact analysis shall be provided in addition to any information required by Licking County Engineer.

LCPC Staff Review

The Licking County Subdivision Regulations, Licking County Access Management Regulations, and the Ohio Department of Transportation have standards for traffic impact studies. The Licking County Subdivision Regulations and the Licking County Access Management Regulations apply to county and township roads, and the Ohio Department of Transportation standards apply to State of Ohio and Federal roadways. These should be referenced in this section.

- 16) Additional information as reasonably necessary to address the foregoing issues.
 - 17) Any Final Development Plan requirements may be submitted with the Preliminary Development Plan.
- C) Final Development Plan Requirements**
Any final development plan submittal requires the following information in text and map form:
- 1) A Final Development Plan shall be filed for any portion of an approved Preliminary Development Plan the applicant wishes to develop and it shall

conform substantially to the approved Preliminary Development Plan and shall conform to any applicable Licking County regulations or other County requirements for maintaining safety.

- 2) Plat of the parcel to be developed showing existing physical features, including general topography, drainage ways, designated resource protection areas and tree cover and streets, easements and utility lines,

LCPC Staff Review

The final development plan at the township level will be the preliminary plan at the county level. Therefore, there will not be a plat at the time of the final development plan. Is the term "Plat" or "Plan" appropriate in this statement? Based on a review, the term "Plan" appears to be more appropriate.

- 3) A site plan showing the location and arrangement of all existing and proposed structures, including building pads for single family detached units where site constraints limit the placement of proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for

parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites and recreational facilities.

- 4) A statement of the anticipated open space, gross density and net density.
- 5) For uses other than single family detached housing, footprints, floor plans and exterior elevations and types of building materials.
- 6) Landscaping plans prepared by an Engineer or Landscape Architect, showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species, quantities and installation of landscaping for common areas, parking areas, open space, street trees, typical front yards, and buffer yards.
- 7) Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
- 8) When a development is to be constructed in phases, a schedule for the development of such phases shall be submitted.
- 9) The total area of common open space provided at any phase of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the phases or units completed or under development bear to the entire PUD.

LCPC Staff Review

What is required in subsection 9? This subsection is unclear. Is it the intent that the amount of open space required for each phase shall be established and dedicated with that phase or have been dedicated in a prior phase that had more open space dedicated than required in that phase?

- 10) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- 11) In the case of a Mixed-Use or Business PUD, a statement identifying the principal types of uses that are to be included in the proposed development.
- 12) When a PUD includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- 13) The required amount of common space land reserved under a planned unit development shall be held in corporate ownership by owners of the projected areas, for the use of each owner who buys property within the development, be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses, or be held in ownership by a not for profit entity acceptable to the Board of Trustees under which said lands shall be for public use. The legal articles relating to the organization of the homeowners' association is subject to review and approval by the Zoning Commission and shall provide adequate provisions

for the care and maintenance of all common areas. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Zoning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

LCPC Staff Review

It is recommended that the text underlined in subsection 13 above is also included in the open space standards of 13.04 (F). Also consider having a minimum amount of frontage and width from the public road throughout the open space parcel.

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- 14) Copies of any restrictive covenants that are to be recorded with respect to property included with the PUD subdivision plats.

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