

ORDINANCE NO.: 06-02
SPONSOR: MAYOR BOLLAS
INTRODUCED: JANUARY 18, 2006

AN ORDINANCE TO REPEAL EXISTING CHAPTER 1107 OF THE NEW FRANKLIN VILLAGE SUBDIVISION REGULATIONS AND ADOPTING REVISED CHAPTER 1107 OF THE NEW FRANKLIN VILLAGE SUBDIVISION REGULATIONS FOR THE PURPOSE OF CREATING CONSERVATION SUBDIVISIONS.

WHEREAS, New Franklin Village has previously adopted the Summit County subdivision regulations; and

WHEREAS, it is the desire of New Franklin Village to repeal existing Chapter 1107 of those subdivision regulations and adopt revised Chapter 1107 for the purpose of creating a conservation subdivision.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEW FRANKLIN, COUNTY OF SUMMIT, AND STATE OF OHIO, THAT:

SECTION ONE:

The existing Chapter 1107 of the New Franklin Village subdivision regulations is hereby repealed.

SECTION TWO:

New Franklin Village Council hereby adopts revised Chapter 1107 of the subdivision regulations for the purpose of creating a conservation subdivision. A copy of revised Chapter 1107 is attached hereto and made a part hereof.

SECTION THREE:

The Village of New Franklin finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberation of this Council and any other Committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Proposed revisions to New Franklin Village Subdivision Regulations

CHAPTER 1107 SUBDIVISION STANDARDS FOR CONSERVATION

1107.01 PURPOSE.

The purpose of a Conservation Subdivision is to promote the public health, safety, morals, convenience, comfort, prosperity, and general public welfare; through the application of flexible subdivision development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning for the property.

These regulations are intended to achieve the following goals:

- (a) To maximize protection of the City's natural resources by:
 - (1) Minimizing development on and destruction of sensitive natural resource areas;
 - (2) Reducing the quantity and improving the quality of storm water runoff from expected development;
 - (3) Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, wetlands, meadows, slopes and streams); and
 - (4) Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns and the use of intrusive vegetation.
- (b) To conserve the quality of ruralness in those City areas characterized by:
 - (1) Large, aggregated, undeveloped land areas;
 - (2) Natural features such as woodlands, steep slope, floodplains, wetlands, stream and river corridors, hedgerows and rock outcroppings;
 - (3) Scenic vistas and rural views;
 - (4) Significant historic features such as old barns, heritage trees, etc.;
 - (5) Maintaining a traditional rural settlement pattern characterized by compact groups of development in otherwise wide-open spaces; and/or
 - (6) Appropriate topographic or vegetative screening.
- (c) To encourage more efficient use of land and public services through unified development.
- (d) To establish development review criteria which promote creative design solutions in a manner which best conserves the area's resources.
- (e) To ensure that the proposed Conservation Development complies with the objectives of the City as expressed in the Comprehensive Plan.

1107.02 STANDARDS.

A major element of the Conservation Subdivision is privately owned or publicly owned Common areas and Open Space in the development. Homeowners need to have adequate access to the Common Open Space being preserved. These developments usually contain

such features as an internal park network abutting home sites, recreation facilities, and preservation of natural amenities. Conservation Subdivisions may be exempted from the conventional development standards of the existing Regulations only upon proper justification and approval as set forth herein. The regulations in this chapter are a replacement of Section 1104.03 (Preliminary Plan). The design of internal circulation systems shall be sensitive to such points as safety, convenience, access to dwelling units and nonresidential facilities, separation of vehicular and pedestrian-bicycle traffic, and general attractiveness. Internal streets shall be adequate to carry anticipated traffic and yet provide convenient and safe access in accordance with the standards set forth herein.

1107.03 PRIVATE STREETS.

Private local streets may be allowed in Conservation Subdivisions after review and approval by both the City Engineer and Planning Commission. These private streets must meet the County approved construction and inspection standards per Section 1107.03(a). Collector streets in Conservation Subdivisions shall be publicly dedicated streets and conform to the appropriate design standards. The Planning Commission may also require certain streets within Conservation Subdivisions to be publicly dedicated if the Planning Commission determines that the project density necessitates the use of public streets and that traffic connections are required to adjacent plats or developments for adequate traffic circulation.

(a) Private and Public Street Standards. Private streets may be permitted in Conservation Subdivisions provided they meet the following requirements:

- (1) Loop or cul-de-sac streets that are less than 250 feet in length and have ten or fewer dwelling units occupying the street may be permitted to be private. The design of these streets shall provide for emergency vehicle access and shall follow the pavement composition standards of the Summit County Engineer.
- (2) Access roads such as loop streets or cul-de-sacs that are low volume traffic streets (Average Daily Traffic (ADT) of 200 vehicles or less) may be permitted to be private in accordance with these Regulations. The following standards also apply to public streets:
 - A. These streets will be required to meet a 25-MPH design speed, minimum of 175 foot centerline radius and Standards of the Summit County Engineer.
 - B. Centerline radii less than 175 feet may be approved for low volume loop type streets or cul-de-sacs upon review and written approval by the City Engineer.
 - C. A 50-foot dedicated easement shall be granted to the Owners Association. If a public street, there must be 50 feet of dedicated right-of-way.
 - D. Landscaping may be permitted to encroach 5 feet on each side of the street within the easement once a landscaping plan has been reviewed and approved by the City Engineer and Planning Commission, for safety purposes.
 - E. The construction of these streets will require inspection per Section 1110.07(c) and Performance and Maintenance Bonding per Section 1110.04.
- (3) Any street within a Conservation Subdivision that has an ADT exceeding 200 vehicles and is a Light-Medium Traffic Local Road as classified in the Summit County Engineer's Rules and Regulations may be permitted to be private in accordance with these Regulations. The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe

movement through the development. The following standards also apply to public streets.

- A. These roads will be required to meet a 30-MPH design speed, 250-foot centerline radius and Standards of the Summit County Engineer.
- B. A 50-foot dedicated easement shall be granted to the Owners Association. If a public street, there must be 50 feet of dedicated right-of-way.
- C. Landscaping may be permitted to encroach 5 feet on each side of the street within the easement once a landscaping plan has been reviewed and approved by the City Engineer and Planning Commission, for safety purposes.
- D. The construction of these streets will require inspection per Section 1110.07(c) and Performance and Maintenance bonding per Section 1110.04.

- (b) Private Street Requirements. In all cases where private streets are permitted per these Regulations, an Owner's Association shall be formed to control and maintain the streets as specified in Section 1106.01(i). Such Association document is required to have the approval of the City legal counsel and shall be recorded with the Subdivision Plat. The approval of a private street does not provide for or imply responsibility for construction, repair, replacement, maintenance, including but not limited to: snow or ice removal, dust control, drainage, mowing, tree trimming, etc. of any private street by any government body. All responsibility and liability remains with the Owners Association and owners of the lots served by the private street. Deed restrictions for private streets are required to include the following language:

The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated right-of-way. And further, the grantee(s) understand that no government body is responsible or liable for care and maintenance of said right of-way and the grantee shall indemnify, defend and hold harmless all governmental bodies for any and all claims of any kind or nature that may arise or be related to such right-of-way.

1107.04 SIDEWALKS/WALKWAYS AND PEDESTRIAN ACCESS.

A pedestrian circulation system should be designed to assure that pedestrians can walk safely and easily on a site, between properties and activities or special features within the neighborhood open space system. Sidewalks/walkways should connect with off road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable). The sidewalks/walkways shall be maintained by the Owners Association, or other maintenance arrangement approved by the New Franklin Planning Commission. Deed restrictions for sidewalks/walkways are required to include the following language:

No governmental body is responsible or liable for the care, repair, replacement or maintenance of said sidewalks/walkways and the Owners Association for such Development shall indemnify, defend and hold harmless all governmental bodies for any and all such claims of any kind or nature that may arise or be related to the sidewalks/walkways.

1107.05 STAGING OF CONSERVATION SUBDIVISIONS.

Each stage of a Conservation Subdivision must be so designed to stand independently of future related stages in the event future stages are not constructed. The construction and

provision of all of the Common Open Spaces and public and recreational facilities shown on the Final Plat must proceed at the same rate as the construction of dwelling units.

1107.06 OPEN SPACE AND RECREATION FACILITIES.

For requirements regarding Open Space and Recreation Facilities refer to Section 1106.01, Public Facilities, Open Space and Recreation.

1107.07 EASEMENTS.

For requirements regarding utility and drainage easements, refer to Section 1105.06.

1107.08 LAND USES.

(a) Permitted Uses. The following uses shall be permitted in a conservation subdivision only if encouraged in the City Land Use Plan for the site.

- (1) Agricultural uses with the exception of animal or poultry husbandry.
- (2) Residential development, including:

A. Single-family dwellings in:

- i. detached buildings
- ii. attached buildings

B. Two family dwellings appropriately grouped together.

C. Recreational facilities intended for use by residents of the development;

D. Restricted open space as required in Section 1107.11 (Restricted Open Space).

- 3) Where permitted incompatible land uses are proposed for a conservation subdivision development, the BZA shall require buffering through graduated land use intensity or use of landscaping, mounding, walls, solid fencing, and other buffering techniques within and adjacent to the development.

(b) Permitted Accessory Uses.

- (1) Accessory uses customarily incidental to the principal permitted use;
- (2) Buildings incidental to recreational uses;
- (3) Group homes permitted by right, including;

A. Child day care home, Type B;

B. Foster home for one to 5 unrelated children, pursuant to ORC 5103.03.

1107.09 MINIMUM PROJECT AREA.

The gross area of a tract of land proposed for a conservation subdivision shall be a minimum of 25 acres to provide the potential for larger contiguous areas of open space and to ensure that the homeowners' association is large enough to sustain itself and fulfill its open space management and maintenance responsibilities. The Planning Commission may reduce this requirement upon a finding that a proposed smaller project area meets these objectives. A smaller project area may be found to be appropriate based upon the patterns of existing lot ownership, the extent of existing development, or when a smaller project size is a targeted component of the City's overall open space plan for the subject parcel or area of the City.

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

1107.10 PERMITTED DENSITY – RESIDENTIAL.

(a) The maximum number of dwelling units permitted in a conservation subdivision shall not exceed the number of units permitted by the formula: $(TSA/MLA) \times 80\%$, or other applicable regulations, such as the Ohio EPA, or a minimum lot size imposed by the local General Health District for area, length, and width of on-site septic systems and minimum spacing of such systems from site elements as well as from other systems. The most restrictive regulation shall control.

(1) TSA = the Total Site Area. TSA is determined by deducting the following from the total project area:

- A. Any area devoted to non-residential purposes;
- B. Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
- C. The area of land which may not be developed because it is within a floodway, Category 3 wetland, existing water body, or land subject to an existing conservation easement, but only the amount of land that exceeds the minimum acreage required for restricted open space as set forth in Section 1107.11 (Restricted Open Space). Where floodways, wetlands, water bodies, or land subject to an existing conservation easement overlap, they shall be counted only once. The Planning Commission may reduce the total for the amount of land which may not be developed by up to one-third (1/3) upon a finding the developer will incorporate and provide an adequate mechanism for the preservation of equivalent area of these features in required yard setbacks.

(2) MLA = Minimum Lot Area (in acres). The minimum overall lot area of a conservation subdivision shall be determined by one of the standards shown below which results in the highest density of the parcel:

- A. The density recommendation provided for the proposed site area in the Land Use Plan based on the prevailing demographic trends and desired characteristics for the City; or
- B. The stated density for a single-family dwelling in the zoning district which would be replaced by the conservation subdivision;

(3) 80% = A factor to account for losses in land area due to proposed roads and the fact that some of the lots in a development will be larger than the minimum required.

(b) When the above formula produces a fractional value for the total number of units for the total project area, this final number shall be rounded to the nearest whole number.

1107.11 RESTRICTED OPEN SPACE.

The minimum restricted open space shall be 40% of the total project area.

1107.12 REGULATIONS FOR RESTRICTED OPEN SPACE.

The restricted open space shall comply with the following:

- (a) Restricted open space shall be designed and located to conserve, maintain, and incorporate significant wildlife habitats in existing wooded areas, meadows, and hedgerows and treelines between fields, as well as significant natural features and historical and cultural elements located on the site.
- (b) Areas designated for restricted open space purposes may be:
 - (1) Preserved in its natural state,
 - (2) Designed and intended for the used and/or enjoyment of residents of the proposed development or the general public,
 - (3) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
- (c) Restricted open space shall be interconnected with open space areas on abutting parcels.
- (d) Sewage service, stormwater management, and/or water supply facilities may be approved for location partially or entirely within restricted open space areas to provide additional flexibility in the arrangement of units and to overcome hardships in meeting the minimum specified area for the conservation of open space. Where such facilities are so located, septic easements or conservation easements, as applicable, shall be established naming the City a co-beneficiary to require and enable maintenance of such facilities by the appropriate parties. Such easements shall require approval from the Summit County General Health District, City Engineer, and City Legal Counsel. The Planning Commission may reduce the front building setback to increase required rear yard areas for conservation easements.
- (e) In order to encourage the creation of large areas of contiguous open space, areas that shall not be counted toward the requirement of restricted open space include:
 - (1) Private roads and public road rights-of-way;
 - (2) Parking areas, accessways and driveways;
 - (3) Required setbacks between buildings, parking areas and project boundaries;
 - (4) Required setbacks between buildings and streets;
 - (5) Minimum spacing between buildings, and between buildings and parking areas;
 - (6) Private yards;
 - (7) A minimum of 10 feet between buildings and restricted open space; and
 - (8) Other small fragmented or isolated open space areas that have a dimension less than 50 feet in any direction. The Planning Commission may allow a fragmented or isolated open space area upon a finding the fragmented area is demonstrated to be purposeful and contextual to the development and not simply an isolated, left-over area with little or no contribution in terms of landscaped amenities, buffering or recreational space.
- (f) Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes. The maximum percentage of restricted open space that may be developed for active recreation areas, including a community center, shall be 5% of the total project area.
- (g) Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

- (h) The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general development plan.
- (i) Prohibition of Further Subdivision of Restricted Open Space. Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the City's legal advisor and duly recorded in the office of the Recorder of Deeds of Summit County.
- (j) Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above restricted open space in a conservation development may be owned by an association, the City, a land trust or other conservation organization recognized by the City, or by a similar entity, may remain in private ownership.
- (k) Offer of Dedication. The City may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.
- (l) Associations. Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other similar legal entity. The City's legal advisor shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 - (1) Membership in the Association shall be mandatory for all purchasers of lots in the development or units in the condominium.
 - (2) The Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.
- (m) Transfer of Conservation Easements. With the permission of the City, the owner(s) of the restricted open space may, in accordance with the provisions of ORC 5301.67-70, grant conservation easement to any of the entities listed in ORC 5301.68, provided that:
 - (1) The entity is acceptable to the City;
 - (2) The provisions of the conservation easement are acceptable to the City; and
 - (3) The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
- (n) Private Ownership of Restricted Open Space. Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

1107.13 DEVELOPMENT AND SITE PLANNING STANDARDS.

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

- (a) Ownership. Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

(b) Lot Requirements.

- (1) Principal buildings in a conservation subdivision are not required to be on separate lots.
- (2) When lots are included as part of a conservation subdivision they shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.
- (3) The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of the section.

(c) Setbacks.

(1) Perimeter Building Regulations. The following perimeter building setbacks shall apply to a conservation subdivision. At the sole discretion of the Planning Commission, the minimum setback requirement may be reduced to allow more flexibility to conserve open space when: 1) Natural features along the existing perimeter public street are substantial enough to provide adequate buffering between the units in the development and the road; or 2) When there are significant natural features located on the interior of the site and the City's priorities dictate that it is more important to conserve those natural features than to maintain large building setbacks along the existing perimeter public road.

A. The minimum perimeter building setback from an existing public street shall be:

- i. 70 feet, or
- ii. Where a conservation subdivision is adjacent to other existing housing development, the setback shall be equivalent to the front setback requirement for those adjacent lots outside the conservation subdivision on the same side of the street. At the sole discretion of the Planning Commission, the minimum setback requirement may mirror the setback for those adjacent lots directly across the street from the conservation subdivision.

B. The minimum perimeter rear or side yard building setback for interior lots abutting the project boundary where there is no existing or proposed road shall be 50 feet.

C. Interior Building Setback/Spacing Regulations. The buildable area for structures and streets on the interior of a conservation subdivision shall be in compliance with the following development site planning standards:

i. Interior Streets. Interior streets which parallel a perimeter boundary shall be set back a minimum of (70) feet from the boundary unless the Planning Commission provides a modification pursuant to Section 1107.13(f) (Modification of Requirements).

ii. Front Yard Setback.

1. The minimum setback from a proposed local public right-of-way - 50 feet.

2. The minimum setback from the edge of the pavement of a private street - 40 feet.
3. Cul-de-sac Exception. In a cul-de-sac which is not greater than 200 feet with no more than 6 dwellings, the minimum building setback is 30 feet.
4. In order to maximize rear yard areas when used for conservation easements, the Planning Commission may reduce a front yard setback.

iii. Rear Yard Setback. The minimum rear yard setback - 40 feet.

- (d) Height. The maximum building height shall be 35 feet.
- (e) Minimum Separation Between Dwellings. The minimum separation between dwellings shall be 20 feet.
- (f) Modification of Requirements. The Planning Commission may modify these standards based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics for the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts for open space.

1107.14 DEVELOPMENT DESIGN CRITERIA.

In addition to the development and site planning standards set forth in Section 1107.13 all elements of a conservation development, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meet the objectives of the Comprehensive Plan and this UDO.

- (a) Priority of Open Space Conservation. The City's open space conservation priorities are listed in order as follows from most important to least important:
 - (1) Conservation of Wildlife Habitats. Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.
 - (2) Conservation of Woodlands, Vegetation and other Natural Areas. The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, and hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.
 - (3) Conservation of Sloping Land. The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.
 - (4) Conservation of Existing Scenic Vistas and Visual Quality of the Environment. Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.
 - (5) Conservation of Cultural Resources. Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.
- (b) General Street Design Criteria. Interior streets in a conservation subdivision should be planned as the minimum necessary to provide adequate and safe movement through the development. Street alignments should follow natural contours and be designed to conserve natural features. Streets shall be constructed with curbs and planned to avoid

excessive stormwater runoff ~~and the need for storm sewers~~. The Planning Commission may determine that certain areas do not require curbs.

- (c) Pedestrian Circulation Systems. A pedestrian circulation system shall be included in the conservation subdivision and shall be designed to ensure that pedestrians can walk safely and easily throughout the development.
- (1) The pedestrian system shall provide connections between properties and activities or special features within the restricted open space system and need not always be located along streets.
 - (2) Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.
- (d) Sewage Disposal. Development shall be served by individual or public sewage disposal structures consistent with the Summit County systems. Individual sewage disposal systems shall comply with all applicable regulations of the Summit County Combined General Health District and may be located within restricted open space areas when approved by the Village and the Summit County Combined General Health District. Public sewage disposal structures shall comply with all applicable regulations of the Ohio EPA.

1107.15 PROJECT REVIEW PROCEDURES.

Under the authority established in ORC 711.101, the Planning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this Section and the general rules and regulations for major subdivisions as established in these subdivision regulations.

- (a) Submission Requirements for Preliminary Development Plan. The applicant shall submit a Conservation Subdivision Development Plan application to the Village Planning Administrator. Maps shall be drawn at an engineer scale not less than one inch = 100 feet, except that projects over 200 acres may be drawn at a scale of one inch = 200 feet. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Chapter. Twenty-five (25) copies of the plan are required. The application and documentation shall include, but not necessarily be limited to:
- (1) Identification of existing site characteristics, including a general depiction of:
 - A. Boundaries of the area proposed for development, dimensions and total acreage;
 - B. Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features.
 - C. Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - D. Existing soil classifications;
 - E. Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - F. Delineation of existing drainage patterns on the property, existing wells and well sites;
 - G. Description of significant existing vegetation by type of species, health, quality, etc.;

- H. Existing buildings, structures and other significant man-made features on the site and within 200 feet of the project boundary;
- I. Description of all structures and areas of known or potential historical significance; and
- J. Existing viewsheds and identification of unique vistas.

(2) The proposed Preliminary Development Plan documentation and maps shall include:

- A. A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;
- B. A sketch layout of standard single family lots, if any;
- C. The location of the restricted open space and any proposed recreational facilities;
- D. Natural features to be conserved and any required buffer areas;
- E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
- F. General location of public street rights-of-way; and
- G. Proposed utility easement locations.
- H. An outline of the method/structure to perpetually preserve the required restricted open space which indicates:
 - i. The structure of the Association;
 - ii. Membership requirements;
 - iii. Financial responsibilities; and
 - iv. The relationship of the entity to public agencies having responsibilities related to the project.
- I. A description of the project phasing including the phased construction of open space improvements.

(b) Review For Completeness. Within 5 business days of receiving the application, the Zoning Administrator shall review the application to determine that the application includes all the items required in Section 1107.15(a) (Submission Requirements for Preliminary Development Plan) above. If the application is deemed complete and the application fee paid, the Zoning Administrator shall officially accept the application on that date.

(c) Review of Development Plan by Others. The Zoning Administrator shall distribute the Preliminary Development Plan application to the following officials and agencies for review and comment within ten (10) days from the date distributed against applicable standards and criteria of the reviewing agencies.

- (1) Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Summit County Combined General Health District, the Summit County Sanitary Engineer, the Summit County Water and Soil District, and the Ohio Environmental Protection Agency.
- (2) Other agencies which, at the discretion of the City, may have appropriate technical expertise.

- (3) Appropriate City administrative officials, including the City's legal advisor (10 copies).
 - (4) Consultants retained by the City.
- (d) Site Visit. The Planning Commission shall, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site and evaluate the application against the design criteria in the Conservation Subdivision regulations and the applicable standards and criteria of other reviewing agencies.
- (e) Review and Approval by Planning Commission. The Planning Commission shall review the general development plan and the comments received from Section 1107.15(c) (Review of the Development Plan by Others) above.
- (1) The Planning Commission shall take action on the submitted general development plan by either:
 - A. Approving the general development plan as submitted; or
 - B. Approving the general development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
 - C. Denying approval of the general development plan.
 - (2) Failure of the Planning Commission to act within 30 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.
- (f) Significance of Approved Plan. Approval of the general development plan shall:
- (1) Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
 - (2) Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved general development plan.
 - (3) Provide the benchmark for the Planning Commission to consider and approve amendments to the general development plan when Planning Commission determines that the amended plan is equal to or better than the approved general development plan.
 - (4) Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

1107.16 FINAL DEVELOPMENT PLAN.

After a Preliminary Development Plan has been approved, an applicant shall submit for review and approval a final development plan. The final development plan may be submitted either for the entire project or for each construction phase. Twenty-five (25) copies of the plan are required.

- (a) Submission Requirements for Final Development Plan. The final development plan shall include:
- (1) A site plan drawn at a scale not less than one inch = 100 feet indicating:
 - A. Boundaries of the area proposed for development, accurate dimensions and total acreage;
 - B. The exact location and dimension of private streets, common drives and public street rights-of-way;
 - C. Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
 - D. Dimensions of building/unit spacing;
 - E. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and
 - F. Designated restricted open space areas and a description of proposed open space improvements.
 - (2) A grading plan drawn at a scale of one inch = 100 feet, showing all information pertaining to surface drainage.
 - (3) A detailed landscaping plan for new landscaping, including entry features and signs.
 - (4) The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space.
 - (5) Conditions imposed by other regulatory agencies.
- (b) Review For Completeness. Within 5 business days of receiving the application, the Zoning Administrator shall review the application to determine that the application includes all the items required in Section 1107.16(a) (Submission Requirements for Final Development Plan) above. If the application is deemed complete and the application fee paid, the Zoning Administrator shall officially accept the application on that date.
- (c) Distribution of Final Development Plan. The Zoning Administrator shall distribute the Final Development Plan application to the Planning Commission, the Village legal advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Planning Administrator and transmitted to the Planning Commission prior to the time of the Commission's review.
- (d) Review by the City Legal Advisor. The City's legal advisor shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. A written legal opinion shall be provided to the Planning Commission by the applicant certifying that the above demonstrate full compliance with the requirements of this Chapter and the Ohio Revised Code.

(e) Review and Approval by Planning Commission. The Planning Commission shall review the Final Development Plan and the comments received from Section 1107.16(c) (Distribution of Final Development Plan) and Section 1107.16(d) (Review by City Legal Advisor) above.

(1) The Planning Commission shall determine if the final development plan is in compliance with the general development plan and take action on the submitted final development plan by either:

A. Approving the final development plan as submitted; or

B. Approving the final development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or

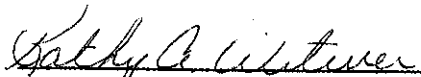
C. Denying approval of the general development plan.

(2) Failure of the Planning Commission to act within 30 days from the date the application was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the general development plan.

1107.17 FEES.

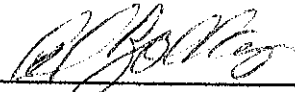
(a) Filing Fees. Filing fees for the conservation subdivision preliminary development plan and final development plan process shall be the same as for a preliminary plan review.

ADOPTED: April 5, 2006


Kathy A. Witwer, Clerk/Treasurer


Robert E. Lee, President Pro Tem

APPROVED: April 5, 2006


Al Bollas, Mayor

ENACTED EFFECTIVE: April 5, 2006

ROLL CALL:

Mr. Adamson, yes.

Mr. Hess, yes.


Mrs. Jones, yes.

Mr. Lee, yes.

Mr. Mobley, yes

Mr. Stock , yes.

Akron Legal News publications on April 17, 2006 and April 24, 2006.


Kathy A. Witwer, Clerk/Treasurer