

ORDINANCE NO. 17-2016

Offered by All of Council

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 1128 OF THE VILLAGE OF RICHFIELD'S PLANNING AND ZONING CODE, ENTITLED "RCD SINGLE FAMILY CONSERVATION DISTRICT," TO FACILITATE R-3 RESIDENTIAL CONSERVATION DEVELOPMENT

WHEREAS, this Council referred proposed amendments to Chapter 1128 of the Richfield Planning and Zoning Code, intended to provide for R-3 Residential housing within the RCD Single-Family Conservation District, to the Planning and Zoning Commission for report and recommendation, pursuant to Section 9.06 of the Charter and Section 1109.07 of the Richfield Codified Ordinances; and

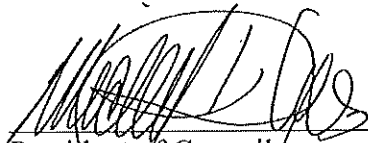
WHEREAS, Village Council received the favorable report and recommendation of the Planning and Zoning Commission to amend Chapter 1128 of the Planning and Zoning Code on \_\_\_\_\_, 2016; and

WHEREAS, based upon the report and recommendation of the Planning Commission, this Council has determined that it is in the best interest of the health, safety, and welfare of the Village to amend Chapter 1128 as described in the report and recommendation of the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

- SECTION 1. That certain sections of Chapter 1128 of the Village's Planning and Zoning Code be amended to read as set forth in Exhibit "A" attached hereto and incorporated herein by reference.
- SECTION 2. That all other provisions of Chapter 1128 of the Codified Ordinances of the Village, not amended herein, as they existed prior to the effective date of this Ordinance, shall remain in full force and effect.
- SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.
- SECTION 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

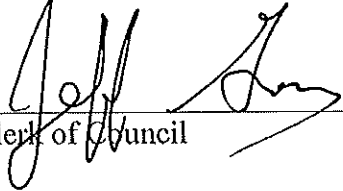
PASSED: 11-17-2020

  
\_\_\_\_\_  
President of Council

  
\_\_\_\_\_  
Mayor

Dated: 11/20/2020

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

**CHAPTER 1128**  
**RCD Single-Family Conservation**  
**Development**

- 1128.01 Purpose.
- 1128.03 Minimum open space development regulations.
- 1128.05 Percentage of Open space.
- 1128.07 Permanent dedication of open space.

- 1128.09 Open space standards.
- 1128.11 Design criteria.
- 1128.13 Required improvements.
- 1128.15 Review procedures.
- 1128.17 Review and approval procedures.

**1128.01 PURPOSE.**

In order to encourage flexibility in design of single-family residential development that promote efficient use of land and preserve the natural, scenic and historic qualities, the Commission may permit a RCD Single-Family Conservation Development in an R-1 or R-2, R-2 or R-3 district provided there shall be no increase in the number of dwelling units than are beyond the number permitted in conventional developments, except within the R-3 Zoning District when the development exceeds 100 acres in size and has frontage on major roadway, and further provided the proposed development meets the following minimum standards. A public water supply that public water and sanitary sewers shall be provided. The following minimum standards shall be met.

1128.03

(Ord. 25-2011, Passed 9-20-11.)

**1128.03 MINIMUM OPEN SPACE DEVELOPMENT REGULATIONS.**

REGULATION	R-1	R-2	R-3
Permitted Main Use	Single-Family Detached	Single-Family Detached	Single-Family Detached
Accessory Use	As regulated in R-1 Districts	As regulated in R-2 Districts	As regulated in R-3 Districts
Minimum Development Area	20 acres	20 acres	100 acres
Density (units/acre)	0.4/acre	0.8/acre	1.2/acre
Minimum Lot Area per unit	40,000 sq. ft. (a)	20,000 sq. ft. (a)	8,000 sq. ft. (a)
Minimum Lot Width (ft.)	125	90	65 (b)
Minimum Yards (ft.)			
Front	50	35	30
Side	20 & 20	15 & 15	7.5 & 7.5
Rear	50	40	20
Distance between Buildings	N/A	N/A	N/A
Min. Req. Open Space % of Dev. Area	45%	40%	35%
Public Water Supply/ Sanitary Sewer	required	required	required
Max. Lot Coverage by Main/Access. Bldgs.	15%	15%	27%

(a) The Commission may permit up to 20% of the total number of lots to be not less than 32,000 square feet in area in an R-1 District and not less than 16,000 square feet in an R-2 District and not less than 10,000 square feet in an R-3 District in order to preserve the natural feature of the site.

(b) The Commission may permit a smaller minimum lot width measured at the building line for lots located on cul-de-sacs.  
(Ord. 25-2011, Passed 9-20-11.)

**1128.05 PERCENTAGE OF OPEN SPACE.**

(a) Minimum percentage of open space shall be calculated after deducting:

- (1) Area of each privately owned lot;
- (2) Required setbacks and distances between and among buildings in a condominium development; and
- (3) Public street rights of way and private streets.

~~(b) No space with a dimension of less than 20 feet shall be included in the calculation of required open space.~~

(b) No useable open space shall be of a dimension less than 50 feet in width at any point throughout a development.

(c) Except in R-3 districts, at least 10% of the required open space shall be useable for the purposes of active recreation. The remaining amount of land can be non-useable for the

| purposes outlined in Section 1128.09.

(e) (d) The purposes for which open spaces are proposed shall be documented by the applicant and shown on the development plan. Structures or buildings accessory to recreation, conservation or agricultural use may be permitted within the open spaces but in the aggregate shall not exceed 15% of the open space.

(de) The Commission may reduce the amount of open space required at the ratio of 1% for each 1,000 sq. ft increase in the average area of all building lots but in no case shall the open space be less than 30% of the development area.  
(Ord. 25-2011. Passed 9-20-11.)

### 1128.07 PERMANENT DEDICATION OF OPEN SPACE.

(a) Dedication to an Authorized Entity. All open space in a Conservation Development shall be permanently restricted from further subdivision—Subdivision or development by a conservation easement conveyed to a land trust or a third party (which, in a R-3 district may be the Village), not the landowner, which is capable of accepting such conservation easement pursuant to Ohio Revised Code Section 5301.68; which has sufficient funds and other resources dedicated to monitoring compliance with and enforcement of the conservation easement; and which can be reasonably expected to fulfill its obligations to monitor and enforce the conservation easement. The conservation easement, and organization and arrangements for future monitoring and enforcement are subject to approval by the Village.

(b) Transfer of Conservation Easement. The owner(s) of the open space may transfer a conservation easement to any of the entities listed in Ohio Revised Code Section 5301.68 provided: the entity is acceptable to the Village; the provisions of the conservation easement are acceptable to the Village; and the conveyance contains provisions for assignment of the conservation easement to another entity authorized to hold conservation easements under Ohio O.R.C. Section 5301.68 in the event the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.  
(Ord. 25-2011. Passed 9-20-11.)

### 1128.09 OPEN SPACE STANDARDS.

The location, size, and shape of lands set aside for permanent open space shall be reviewed and approved by the Commission.

(a) Open space land shall provide for the protection of resources on the site including agricultural land, productive woodland, wildlife habitat, natural areas, aquifer protection areas, woodlands, views and vistas, stream banks, bodies of water, the lake shoreline, and historic and archeological sites.

(b) The location, shape, size and character of the open space land shall be suitable for its intended use.

(c) Left-over fragments of land from the Subdivision process or land that is too narrow or small for use shall not be included in the open space calculation unless such land is being used to accomplish the goals outlined in (a) above.

-(e)(d) Open space land shall be suitably improved and/or maintained for its intended use, except for open space containing natural resources worthy of preservation which may be required to be left unimproved. Provision shall be made to enable lands designated for agriculture and wildlife habitat to be utilized for these purposes.

- (d)(e) Land shown as open space shall be protected for its intended use (including but not limited to open spaces, recreational areas, agricultural areas, etc.) The agreement may be in the form of a deed restriction or conservation easement among other possible means, any of which must be deemed appropriate by Council. All costs for creating and maintaining open space are the responsibility of the landowners in the Conservation Development.
- (ef) Open space land shall be located so as to conform with and extend existing and potential open space on adjacent parcels. If possible, the open space shall be coordinated with the Open Space Plan of the Village.  
(Ord. 25-2011. Passed 9-20-11.)

### 1128.11 DESIGN CRITERIA.

In addition to the Open Space standards as provided in Sections 1128.03, 1128.05, 1128.07, and 1128.09, open space and planned unit developments shall be designed in accordance with the following criteria.

(a) Water Resources.

- (1) The development shall protect and conserve steep slopes from clearing, grading, filling, or construction.
- (2) Impervious surfaces shall be utilized to the minimum extent necessary.
- (3) Alteration of, or construction within, natural drainage ways shall be avoided.
- (4) Low impact storm water management techniques such as grassy hill sides shall be utilized.

(b) Sloping Land.

- (1) The road system and building shall be located to minimize changes in topography and the need for cutting and filling.
- (2) Construction of roads (to the extent practicable), buildings, and parking areas and roads shall be avoided on land having a greater slope than 15%.

(c) Woodlands and Other Vegetation. The development should conserve and maintain mature woodlands and/or orchards.

- (1) Trees with a DBH of 10 inches or greater shall be conserved to the extent practicable and removal of such trees should be permitted only in the following areas, upon review and approval by the Commission.
  - A. Within the area to be occupied by the permanent structure together with 15 feet on all sides, subject to approval of the location of the structure.
  - B. Within the area occupied by access roads, parking areas, accessory building, sidewalks, utility installations and similar necessary development subject to approval of the location of said improvements.
- (2) When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal, field, etc.) in the locations where there are no large trees or obvious wildlife habitats to the fullest extent that is practicable.
- (3) The development shall conserve and maintain existing fields, pastures, and meadows.

- (4) The development shall incorporate existing hedgerows and treelines between fields or meadows in the development layout, especially those containing significant wildlife habitats.
- (5) 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 shall be protected.
- (d) Prime Farmland.
- (1) Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland shall be conserved.
- (2) The shape of the farmland, access thereto and buffering of adjacent uses shall be suitable for the intended crop(s).
- (3) Adequate water and other services shall be available to support the successful use of the land for the intended crop(s).
- (4) The farmland shall be properly situated with respect to slope, prevailing winds, and distance from development to accommodate the use of pesticides, or the land shall be restricted to organic farming.
- (5) Adequate measures shall be taken to protect local drainage ways from runoff from the farmed area.
- (e) Existing Scenic Vistas and Visual Quality of the Environment.
- (1) Buildings shall be located so as to ensure the scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.
- (2) Buildings shall not be located on prominent hilltops or ridges.
- (3) Development shall not front directly onto existing public roads so that rural roadside character is conserved and public safety and vehicular carrying capacity is maintained.
- (4) Buffer zones shall be established along scenic corridors of rural roads.
- (5) Varied and pitched rooflines and traditional materials and colors shall be utilized.
- (6) Building setbacks along the project boundary shall be sufficient to provide protection for existing residences adjoining the conservation development. Buffers shall be adequate along the perimeter of the project so that uses on adjacent parcels are not visually impacted by the proposed development in a more intensive manner than if the proposed development were the standard detached single-family development option.
- (f) Cultural Resources. Sites of historic, archaeological, or cultural value and their environs shall be protected insofar as needed to safeguard the character of the feature, including stonewalls, spring houses, barn foundations, underground fruit cellars, earth mound, and burial grounds.
- (g) General Street Design Criteria.
- (1) Street alignments shall follow natural contours and be designed to conserve natural features.
- (2) Locations of streets shall be planned to avoid excessive storm water runoff and the need for storm sewers.
- (3) The area of the project devoted to streets and related pavement shall be the minimum necessary to provide adequate and safe movement through the development.



(h) Pedestrian Circulation Systems.

- (1) A pedestrian circulation system shall be included in the conservation development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common 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.  
(Ord. 25-2011. Passed 9-20-11.)

**1128.13 REQUIRED IMPROVEMENTS.**

All required improvements shall be provided as specified in the Subdivision Regulations of the Village.  
(Ord. 25-2011. Passed 9-20-11.)

**1128.15 REVIEW PROCEDURES.**

(a) Preliminary Plan. In addition to data and information required in this chapter of the Zoning Code and the Subdivision Regulations, an application for a Conservation Development must include the following:

- (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 unique vistas.
- (2) The preliminary site plan shall be drawn at a scale not less than 1" = 100', and shall include:

- A. A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of common open space to be conserved;
  - B. A sketch layout of single-family lots;
  - C. The location of the common open space, and any proposed recreational facilities;
  - D. Natural features to be conserved and any required buffer areas;
  - E. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;
  - F. General location of public street rights-of-way; and
  - G. Proposed utility easement locations.
- (3) An outline of the method/structure to perpetually preserve the required common open space which indicates:
- A. The structure of the Association;
  - B. Membership requirements;
  - C. Financial responsibilities; and
  - D. The relationship of the entity to public agencies having responsibilities related to the project.
- (4) A description of the project phasing including the phased construction of open space improvements.
- (b) Final Development Plan.
- (1) Final development plan shall include a site plan drawn at a scale not less than 1" = 100' indicating:
- A. Boundaries of the area proposed for development, accurate dimensions and total acreage;
  - B. The exact location and dimension of 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. The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and
  - E. Designated common open space areas and a description of proposed open space improvements.
- (2) A grading plan drawn at a scale 1" = 100' showing all information pertaining to surface drainage.
- (3) A detailed landscaping plan for new landscaping, including entry features and signs.
- (4) The Declaration, Article of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulation (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land pertaining to the ownership, use, and maintenance of all common areas, including common open space.
- (5) Conditions imposed by other regulatory agencies.  
(Ord. 25-2011. Passed 9-20-11.)

**1128.17 REVIEW AND APPROVAL PROCEDURES.**

(a) Review by Commission. The Commission shall review the complete application package, which may include an application for Subdivision approval under Rules and Regulations, as transmitted by the Zoning Inspector in terms of the standards established in this Zoning Code and, when applicable, under the Subdivision Rules and Regulations. If deemed necessary, the Commission, with the consent of the applicant, may refer an application to qualified consultants for review. The cost of such review shall be at the expense of the applicant. The Zoning Inspector shall notify owners of properties within 500 feet, or a larger area if the Zoning Inspector deems it appropriate, \_\_\_\_\_ feet of the perimeter of the property proposed for development not less than ten days prior to the meeting at which the preliminary development plan will be considered by the Commission.

(b) Preliminary Approval. The Commission shall take action on the preliminary development plan within 45 days from the date of the Commission meeting at which all required plans and data were received.

- (1) The Commission may approve the preliminary development plan and, when applicable, an application for preliminary Subdivision approval, as submitted, approve the preliminary development plan and, when applicable, an application for preliminary Subdivision approval, as modified and agreed to by the applicant or not approve the preliminary development plan and, an application for preliminary Subdivision approval, as submitted.
- (2) Where the Commission finds that it is impracticable for the proposal of the applicant to fully conform to the provisions of the Regulations of this Chapter or, where applicable, the Subdivision Rules and Regulations, or that modifications to the Regulations of this Chapter or the Subdivision Rules and Regulations will produce a more harmonious development, the Commission may approve the Preliminary Development Plan and, where applicable, the application for Subdivision approval, with such modifications as the Commission deems reasonable, if the Commission finds that such modifications promote the general intent and purpose of these Regulations and, where applicable, the Regulations of this Chapter or the Subdivision Rules and Regulations.
- (2) ~~If the application is not found to be in compliance therewith~~(3) If the Commission finds that the application is in compliance with the Regulations of this Chapter or, where applicable, the Subdivision Rules and Regulations, with such modifications thereto as the Commission has approved, the Commission shall approve such application or applications. If the Commission finds that such application or applications are not in compliance as aforesaid, the Commission may recommend revisions to be made by the developer-applicant or reject the entire application or applications.
- (34) The Commission may require adjustments in the development plan such as improvements to the design and arrangement of buildings, yards, on-site circulation, access drives, and such other features to further improve the proposed development and to protect the surrounding developments.

(c) Final Development Plans. Upon approval of a preliminary development plan, the applicant-developer shall prepare and submit a final development plan(s) to the Commission. Upon receipt of a final development plan, the Zoning Inspector shall transmit a copy of the final development plan, including detailed construction plans and specifications, to the Engineer for his or her review, report and recommendation. The Engineer shall, within 45 days from receiving

the final development plan, provide and furnish to the Commission a report upon the development plan's compliance with those regulations within the jurisdiction of the Engineer.

(d) Final Approval. If, after evaluating the Engineer's report, the Commission finds that a proposed final development plan is in accordance with and represents a detailed expansion of the preliminary plan heretofore approved, that it is in conformance with the provisions of this Zoning Code and the Subdivision Regulations of the Village, and that it complies with all of the conditions which may have been imposed in the approval of the preliminary plan or in the review of the final plan by the Engineer, the Commission shall approve the plan. The decision shall be made within 21 days from the date of the meeting when the Engineer's report is received.

(e) Violation and Revocation of Certificate: Penalty. The breach of any condition or requirement shall automatically invalidate the certificate granted and shall constitute a violation of this Zoning Code. Such violation shall be punishable in accordance with Section 1105.29.

(f) Reapplication. No application for a Single-Family Conservation Development which has been denied wholly or in part, shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by a fee as determined by Council.  
(Ord. 25-2011. Passed 9-20-11.)