

Jefferson Township Conservation Development Zoning Category

Jefferson Township uses its Conservation Development zoning category almost exclusively when requests to rezone land for single family residential are received.

What is Conservation Development? It is a planned development that first looks at preserving the natural resources on each site and accomplishes this by grouping the homesites closer together and massing open space for permanent preservation. The Township officials go to great lengths to ensure that these new developments do not negatively impact the rural appearance of our Township.

Between 1990 and 2003, Jefferson Township has zoned 1562 acres for residential use. Of this, 625 acres, or 40 percent, is in permanent open space. Studies show that Conservation Development adds to property values and uses less services than conventional development. As a result, both property owners and the Township benefit.

The zoning text which follows was initially adopted into our zoning code in 1990. Today, it is recognized statewide for its flexibility both to the developer and our Township officials in preserving open space and managing growth.

(PSR) Planned Suburban Residential District

A. Purpose.

1) General.

The Planned Suburban Residential (PSR) District is provided as an additional option to the requirements of the standard residential districts. It is intended to promote imaginative, well-designed developments which preserve open space, respect the physical qualities and limitations of the land, and provide improved living environments. Opportunities to reduce development costs also may be provided by the PSR District.

2) Benefits of PSR District.

To achieve these goals the PSR District provides the potential for public zoning approval of the following:

- (a) Flexibility in required yard areas immediately adjacent to structures.
- (b) Flexibility in residential types.
- (c) Flexibility in minimum lot frontage requirements.
- (d) Privately maintained streets, open space and other amenities or improvements.

- (e) Consideration of other unique design features.

3. Responsibilities of Applicant.

In order to be eligible for consideration under the provisions of the PSR District, the applicant is required to provide all information listed herein. If an applicant does not provide required information or meet standards established by this Resolution, it shall be interpreted as forfeiture of the applicant's option to consideration under the terms of the Planned Suburban Residential (PSR) District.

B. Permitted Uses.

Land and buildings in the Planned Suburban Residential (PSR) District shall be limited to one or more of the following uses:

- 1) detached single-family residences.
- 2) Single-family zero lot lines, attached twin singles, townhouses, or other innovative forms of suburban residential development, provided all density criteria and applicable requirements are met.

- 3) Single occupations in association with a permitted dwelling, and in accordance with the standards of Section.
- 4) Accessory buildings and uses in association with a permitted dwelling, in accordance with the standards of Section
- 5) Public or private schools offering general educational courses and having no rooms used for housing or sleeping of students.
- 6) Parks, playgrounds and playfields open to the public without fee.
- 7) Public or private golf courses or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the approved development plan.
- 8) Churches or other places of worship, provided each use occupies a lot of no less than five (5) acres and there is one (1) acre or more per one hundred (100) seats in the main assembly area.
- 9) Day care or child care facilities, provided such facilities obtain all required licenses and provide a minimum of five hundred (500) square feet of outdoor play area per child. Such play area shall be enclosed by fencing which shall conform to the architectural requirements of the development plan.
- 10) Other residentially-oriented uses which, in the opinion of the Township Zoning Commission and the Township Trustees, meet the purpose and intent of the PSR District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

C. Tract and Density Criteria.

The owner(s) of a tract of land ten (10) acres or more in area may request that the zoning district map be amended to include such tract in the Planned Suburban Residential (PSR) District.

The density of the development within the PSR District shall not exceed a total of 2.5 dwelling units per gross acre.

D. Procedure.

1) **Site Plan.**

In exchange for flexibility, the Planned Suburban Residential (PSR) District requires that the applicant provide some details which are traditionally found in the subdivision stage of development approval. It is therefore suggested that the applicant informally discuss his plans with County subdivision authorities (e.g. Mid-Ohio Regional Planning Commission, County Engineer, County Board of Health, etc.) and Township Zoning Commission prior to submitting a formal application. This site plan phase is mandatory if private streets are proposed.

2) **Development Plan Submission.**

Eight (8) copies of a Development Plan, signed by a registered engineer or surveyor and architect or landscape architect, shall be submitted with the application to amend the Zoning District Map. Such Development Plan shall conform to the following:

- (a) The preliminary plan requirements of the Franklin County Subdivision Regulations, as amended February 19, 1981 (Section 305.02), as may be amended in the future. Such requirements include, but are not limited to, topographical contours at two (2) foot intervals, soils information at a 1" = 100' scale, information on wooded areas, floodplains, wetlands and engineering feasibility studies for proposed sewage disposal, water supply, and stormwater drainage systems.
- (b) The proposed location and size of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
- (c) The proposed size, location, and use of non-residential portion of the tract, including usable open areas, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
- (d) Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.
- (e) The proposed traffic circulation patterns, including all dedicated public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
- (f) The proposed time schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features. Such schedule shall include the proposed use or reuse of existing features such as topography, structures, streets, and easements.
- (g) The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
- (h) Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan.

Evidence of control includes property rights, and the engineering feasibility data which may be necessary.

- (i) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

- (j) Other information, as may be required by the Township Rural Zoning Commission and/or the Township Trustees, in order to determine compliance with this Resolution.
- (k) Evidence that sewer and water is available for the project from the Jefferson Sewer and Water District.

3) **Basis of Approval.**

The basis for approving a Planned Suburban Residential (PSR) District application shall be the following, but not limited to the following:

- (a) That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution;
- (b) That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;
- (c) That the proposed development advances the general welfare of the Township and the immediate vicinity;
- (d) That the benefits, improved arrangement, and the design of the proposed development justify the deviation from standard residential development requirements included in this Zoning Resolution.

4) **Effect of Approval.**

The Development Plan as approved by Jefferson Township Trustees shall constitute an amendment to the Planned Suburban Residential (PSR) District Regulations as they apply to the land included in the approved amendment.

The approval shall be for a period of two (2) years for property which consists of ten (10) to fifty (50) acres and five (5) years for property in excess of fifty (50) acres to allow the preparation of the required Subdivision Regulations for Franklin County, Ohio. Unless the required Subdivision Plat is submitted and recorded within the two (2) year time limit for property which consists of ten (10) to fifty (50) acres and the five (5) year time limit for property in excess of fifty (50) acres, the approval shall be voided and the land shall revert to its last previous Zoning District, except if an application for time extension is approved in accordance with the following section.

5) **Extension of Time or Modification.**

An extension of the time limit of the approved Development Plan may be approved by the Zoning Commission and Township Trustees. Modifications may be approved according to the normal rezoning procedure. Such approval shall be given upon a finding of the purpose and necessity for such extension or modification and evidence of reasonable effort toward the accomplishment of the original Development Plan, and that such extension or modification is not in conflict with the general health, safety and welfare of the public or the Development Standards of the Planned Suburban Residential (PSR) District.

E. Development Standards.

The following standards for arrangement and development of land and buildings apply to the Planned Suburban Residential (PSR) District and only apply to single-family detached residential housing. When not specifically supplanted by the following standards as approved in the Development Plan, the General Development Standards

1. **Open Space.**

Resource protected areas are areas containing fragile natural features such as forests, floodplains, steep slopes, and open space that can be adversely impacted by development. In all districts it is possible that areas must be set aside as open space for resource protection. At least thirty-five percent (35%) of the gross area of the tract included in the Development plan shall be designated as open space. Such land shall either be preserved in its natural state or developed for recreational purposes. Up to one-third (1/3) of any land within the tract devoted to public school sites or within the one hundred (100) year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography and location to be usable and accessible.

2. **Lot and Yard Areas.**

The minimum lot area shall be 7,000 square feet, except that for cluster developments, the minimum lot area for each dwelling unit may be reduced to any size which is justified in an approved Development Plan, provided that the overall density of the tract covered by the Development Plan does not exceed 2.5 dwelling units per gross acre. Minimum lot width shall be 60 feet; minimum setback shall be 25 feet from the street right-of-way line; minimum side yard shall be 5 feet; and minimum rear yard shall be 20% of lot depth. Side minimum standards shall also be subject to adjustment, if justified, in an approved development plan.

3) **Private Roads.**

Private roads as a common easement may be utilized, provided the following criteria are met:

- (a) Preliminary street plans and typical sections are submitted and approved with the Development Plan.
- (b) Township fire and safety officials provide a written statement indicating to the Township Trustees that the private roads will provide suitable access for emergency vehicles.
- (c) Private maintenance responsibilities are clearly indicated in legal documents.

4) **Parking.**

Off-street parking shall be provided in accordance with Section VI 8 of this Resolution, except that group garages or parking lots may be utilized within two hundred (200) feet of the dwellings served.

5) **Buffer Area.**

The Zoning Commission shall have the discretion to require the developer of PSRD to plan and develop buffer areas where the particular location causes the necessity of buffering. Size, location, type and density of buffering shall be defined by the Zoning Commission when deemed necessary.

F. **Natural Resource Protection.**

Floodplains, steep slopes, mature and young forests, wetlands, and drainageways shall be protected as required in this Part. The following are findings of fact:

1) Wetlands.

(a) Determination.

Wetland areas shall be determined by reference to the following sources in the order indicated below. If the first source is considered inaccurate or inappropriate, the succeeding techniques may be used:

- i. Wetland inventory maps prepared by Franklin County.
- ii. Field survey of plant material by a botanist.
- iii. Soil borings provided by a registered soil engineer or soils scientist.

(b) Protection Levels.

One hundred (100) percent of all wetland areas shall be protected except as follows:

- i. Where disturbance of filling is essential to provide access to the buildable portions of the property, if no other alternative is feasible.
- ii. Where required to provide access to a water-related use.
- iii. Where a crossing of the wetland is essential to the establishment of a permitted use provided that a Conditional Use Permit is obtained; and also provided that:
 - a) The street cannot, as a practical matter, be located outside a wetland; and
 - b) The street is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - 1) The street shall be designed and constructed for the minimum cross-section practical to serve the intended use;

- 2) Street construction activities are to be carried out in the immediate area of the road bed only; and
- 3) Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the street.

(c) Disruption and/or Modification.

All development proposals which will disrupt the wetlands shall, in addition to the provisions of this Ordinance, provide proof of approval by the U.S. Army Corp of Engineers.

2) Drainageways.

(a) Determination.

Drainageways are determined as follows:

- i. The land, except where areas are designated as floodplain, on either side of and within fifty (50) feet of the center line of any intermittent or perennial stream shown on the U.S. Geological Survey's 7 ½ minute quadrangle sheets covering Franklin County.
- ii. The land, except where areas are designated as floodplain, on either side of and within twenty-five (25) feet of the centerline of any swale identified by topography and hydrologic analysis as serving as the principal stormwater outfall rather than tributary for, at a minimum, the subbasin of a subwatershed area.
- iii. The land included within the following soil classes as mapped in the soil maps provided by the U.S. Department of Agriculture as published in Soil Survey of Franklin County Ohio dated February 1980 (or as amended) determined to be flood plain soils.

(b) Protection Levels.

Drainageways shall be provided with one hundred (100) percent protection levels from all land uses. All such protected areas shall be permanent open space.

3) Floodplains.

(a) Determination.

The definition of floodplain as applied to this section appears in Section VI 6.B of this Zoning Resolution. The one hundred (100) year recurrence interval floodplain and floodways shall be determined by the National Flood Plain Insurance Rate Maps.

(b) Protection Levels.

- i. For all developments, the level of protection provided floodlands shall distinguish between the floodway and the one hundred (100) year

recurrence interval floodplain boundary (as designated on the Flood Boundary and Floodway Maps or as determined by a required on-site survey). Floodways and one hundred (100) year recurrence interval floodplains shall be provided with one hundred (100) percent protection.

- ii. All protected areas shall be retained in permanent open space. No uses or improvements, other than those permitted herein, shall be permitted in any area consisting of floodway or one hundred (100) year recurrence interval floodplain as defined by this Zoning Resolution.
- iii. All development shall have the approval of the National Flood Plain Insurance Program Coordinator.

4) Steep Slopes.

- (a) Determination.
Steep slopes shall be determined through the use of a topographic survey prepared by and certified by a registered land surveyor at a contour interval of not less than two (2) feet.
- (b) Methodology.
Steep slopes shall be measured and graphically indicated on a topographic drawing and submitted with the development plan. Such steep slope drawing shall graphically indicate those steep slope areas of the property pursuant to the “steep slope” definition hereinafter provided.
- (c) Definition.
Any slope in any of the following categories shall be considered a steep slope: 8 to 16 percent, 17 to 25 percent, and greater than 25 percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and a minimum area of five thousand (5,000) square feet. If other slope classes within such a defined area which are too small to qualify by themselves as a steep slope under the two hundred (200) foot provision, then these slope areas shall be combined with slope categories which are less than eight (8) percent.
- (d) Protection Levels.
The standard to use determining the open space necessary for preserving steep slopes is an open space ratio of 0.50 for slopes ranging from 12 to 18 percent; 0.70 for slopes ranging from 18 to 25 percent; and 0.85 for slopes greater than 25 percent.

5) Woodlands.

- (a) Determination.
The determination of woodland boundaries shall be based on a field tree survey compiled by a registered land surveyor, engineer, landscape architect, or forester.
- (b) Methodology.

Woodland areas shall be measured and graphically indicated on either a topographic or property boundary survey and submitted with the development plan. Such woodland area drawing shall graphically indicate those forest areas of the property pursuant to the "Woodland" definition hereinafter provided.

(c) Definition.

Woodland, Mature: An area of mature deciduous trees covering one (1) acre or more and consisting of thirty (30) percent or more largely deciduous canopy trees having a ten (10) inch or greater caliper or any grove of deciduous trees consisting of eight (8) or more trees having an eighteen (18) inch or greater caliper.

Woodland, Young: An area of deciduous or evergreen trees covering one (1) acre or more and consisting of seventy (70) percent or more of canopy trees having a three (3) inch caliper or greater.

(d) Protection Levels.

No less than 50% of the trees within the wooded area in "mature woodlands" shall be preserved. No less than 20% of the trees within the wooded are in "young woodlands" shall be preserved.

This document reflects a zoning category of Jefferson Township, Franklin County, Ohio. Please credit Jefferson Township, Franklin County, Ohio, when distributing to others or when adapting this zoning text into other zoning ordinances or resolutions.

For further information, contact: Zoning Administrator, Jefferson Township, 6545 Havens Rd., Blacklick, Oh. 43004 (614) 855-4265. (www.Jeffersontownship.org)