

## **1109.06 Planned Residential Conservation Overlay District**

- 1.—~~Policies Underlying Use of Zone:~~ The primary objective of the Planned Residential Conservation Overlay District (PRCD) is to promote the health and safety of the community through the application of flexible land 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.
- 2.—~~Objectives:~~ The regulations contained in this Section are intended to achieve the following objectives:
  - 1.—Maximize protection of the community's natural resources by:
    - 1.—Avoiding 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, meadows, slopes and streams);
    - 4.—Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and
    - 5.—Conserving areas of prime agricultural soils, to the extent possible.
  - 2.—Conserve (within the framework of natural resource conservation) the rural quality in a community, which is characterized by:
    - 1.—Large, aggregated, undeveloped land areas;
    - 2.—Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, and hedgerows;
    - 3.—Scenic vistas and rural views;
    - 4.—Significant historic features such as old barns, heritage trees, etc.;
    - 5.—Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or

6.—Appropriate topographic or vegetative screening.

3.—Encourage more efficient use of land and public services through unified development.

4.—Establish development review criteria which promote creative design solutions in a manner which best conserve the area's resources.

5.—Establish a review process that maintains local review and approval of the overall development plan and which results in the timely consideration of an application.

6.—Ensure that the proposed PRCD complies with the objectives of The City of Franklin, as expressed in the Comprehensive Land Use Plan for The City of Franklin.

3.—Permitted Uses: The following uses are permitted within the PRCD:

1.—Detached single-family dwellings;

2.—Single-family cluster dwellings;

3.—Recreation facilities for use by residents;

4.—Restricted open space;

5.—Agriculture.

4.—Minimum Project Area for Conservation Development: The gross area of a tract of land proposed for development, according to the PCRCD option, shall be a minimum of twenty-five (25) acres, but shall not include area within any existing public street rights-of-way. The area proposed shall be in single ownership or, if in multiple ownerships, all the owners of the properties included in the conservation development shall file the PRCD application jointly.

5.—Permitted Density/Restricted Open Space: The minimum restricted open space shall be thirty percent (30%) of the total project area. The maximum density shall be limited to the same dwelling-unit density as the underlying district, which shall be one of the Residential Districts or the Agricultural District. The maximum number of dwelling units permitted in a conservation development shall be calculated by deducting the following from the total project area:

1.—Any public right-of-way within the project boundary existing at the time of the development plan is submitted; and

- 2.—~~The area of land within a floodway, designated wetland, or existing body of water that exceeds the minimum acreage required for restricted open space. Where floodways and wetlands overlap, they shall be counted only once.~~

6.—Regulations for Restricted Open Space: The restricted open space shall comply with the following:

- 1.—~~Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.~~
- 2.—~~Areas designated for restricted open space purposes may be:~~
  - 1.—~~Preserved in its natural state;~~
  - 2.—~~Designed and intended for the use and/or enjoyment of residents of the proposed development; and~~
  - 3.—~~Utilized for farming when authorized in a conservation easement or in the Association.~~
- 3.—~~Restricted open space shall be interconnected with open space areas on abutting parcels.~~
- 4.—~~Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, the appropriate parties shall establish easements satisfactory to the City Engineer to require and enable maintenance of such facilities.~~
- 5.—~~In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space are:~~
  - 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 fifteen feet (15') between buildings and restricted open space; and

8.—Other small fragmented or isolated open space areas that have a dimension less than fifty feet (50') in any direction.

6.—Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for intended purposes. The maximum percentage of required restricted open space that may be developed for active recreation areas, including a community center, shall be ten percent.

7.—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.

8.—The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown in the general development plan.

9.—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 Law Director and duly recorded in the office of the Recorder of Deeds of Warren County.

10.—Subject to such permanent restriction as set forth above, restricted open space in a PRCD may be owned by an association, the City, a land trust or other conservation organization recognized by the City, or by a similar entity; or may remain in private ownership.

1.—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.

2.—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 legal entity. The Law Director shall determine that, based on documents submitted with the development plan, the association's bylaws or regulations specify that Membership in the Association shall be mandatory for all

~~purchasers of lots in the development, or units in the condominium, and the Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.~~

~~11. *Transfer of Conservation Easements:* With the permission of the City Engineer, the owner(s) of the common open space may, in accordance with the provisions of Ohio R.C. 5301.67 et seq., grant a conservation easement to any of the entities listed in Ohio R.C. 5301.68, provided that:~~

- ~~1.—The entity is acceptable to the City Engineer;~~
- ~~2.—The provisions of the conservation easement are acceptable to the City Engineer and the Law Director; and~~
- ~~3.—The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under Ohio R.C. 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.~~

~~12. *Private Ownership of Restricted 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.~~

~~7.—*Development and Site Planning Requirements:* Buildings, structures, pavement, and streets in the PRCD shall be located in compliance with the following development and site planning requirements:~~

~~1.—**Ownership:** Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a PRCD. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this Section.~~

~~2.—**Lot Requirements:**~~

~~1.—Units are not required to be on lots; however, when lots for standard detached single-family dwellings, or sublots for single-family cluster or attached dwelling units are included as part of a PRCD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.~~

- 2.—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 this section.

**3.—Perimeter Building Regulations:**

- 1.—The minimum setback from an existing public street shall be thirty feet (30').
- 2.—The minimum setback from the project boundary shall be thirty-five feet (35').

**4.—Interior Building Setback/Spacing Regulations:**

- 1.—The minimum setback from a proposed local public right-of-way shall be twenty feet (20').
- 2.—The minimum setback from the edge of the pavement of a private street shall be thirty feet (30').
- 3.—The minimum separation between dwellings shall be fifteen (15) feet.

**5.—Height:** The maximum building height shall be thirty-five feet (35').

**6.—Floodway Protection:** All buildings, structures or land within a floodway shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part, only for a use listed below:

- 1.—Agriculture;
- 2.—Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;
- 3.—Fencing that allow the passage of water; and
- 4.—Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geo-textiles with sand, gravel and sod.

**7.—Wetlands Protection:** Wetlands required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:

- 1.—A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
- 2.—A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.

**8.—Conservation of Riparian Zones:**

- 1.—A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than fifty (50) feet, measured from the river or stream bank; and
- 2.—Walkways may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.

**9.—General Street Design Criteria:**

- 1.—Street alignments should follow natural contours and be designed to conserve natural features;
- 2.—Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers; and
- 3.—The area of development devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

**10.—Pedestrian Circulation Systems:**

- 1.—A pedestrian circulation system shall be included in the PRCD 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.

**11.—Sewage Disposal:** All development shall be served by individual or public sewage disposal structures consistent with the City systems. Individual

sewage disposal systems shall comply with all applicable regulations of the Warren County Health Department and may be located within common open space areas when approved by the City and the Warren County Health Department.

~~12. **Waivers:** In the event the Planning Commission determines that certain standards set forth in this Section do not or should not apply specifically to the circumstances of a particular PRCD and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Planning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.~~

~~8. **Development Design Criteria:** In addition to the development and site planning requirements set forth above, all elements of a Planned Residential Conservation Overlay District, 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 meets the objectives of this District.~~

~~1. **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.~~

~~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, hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.~~

~~3. **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.~~

~~4. **Conservation of Prime Farmland:** Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.~~

~~5. **Conservation of Existing Scenic Resources; Vistas and Visual Quality of the Environment.** Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.~~



6.—*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.

9.—*Preliminary Procedural Requirements:* An owner (or agent of) of land proposing the creation of a Planned Residential Conservation Overlay District shall file an application and a preliminary development plan with the Zoning Official seeking approval of such district, and the application and plan shall be accompanied by a non-refundable fee, as outlined in section 1105.09.

1.—**Application:** The application shall contain a statement indicating the following:

- 1.—The relationship of the proposed PRCD to the City's adopted master plan, or any adopted component thereof;
- 2.—The general character of and the uses to be included in the proposed PRCD;
- 3.—Total area to be included in the PRCD, including area for open space; residential density computations; proposed number of dwelling units; population analysis; availability of or requirements for municipal services; and any other similar data relevant to a comprehensive evaluation of the proposed development;
- 4.—A general summary of the estimated value of structures and site improvement costs, including landscaping and special features;
- 5.—A general outline of the organizational structure of any property owner's or management's association proposed to be established for the purposes of providing any necessary private services; and
- 6.—Any proposed departure from the standards of development as set forth in this Section.

2.—**Preliminary Development Plan:** A Preliminary General Development Plan including:

- 1.—Identification of existing site characteristics, including a general depiction of:

- 1.—Boundaries of the area proposed for development, dimensions and total acreage;
  - 2.—Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features;
  - 3.—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;
  - 4.—Existing soil classifications;
  - 5.—Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
  - 6.—Delineation of existing drainage patterns on the property; existing wells and well sites;
  - 7.—Description of significant existing vegetation by type of species, health, quality, etc.
  - 8.—Existing buildings, structures and other significant man-made features on the site and within two hundred feet (200') of the project boundary;
  - 9.—Description of all structures and areas of known or potential historical significance; and
  - 10.—Existing views and identification of unique vistas.
- 2.—The Preliminary Development Plan shall be drawn at a scale not less than 1" = 100', except that projects over two hundred (200) acres may be drawn at a scale of 1" = 200', and shall include:
- 1.—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;
  - 2.—A sketch layout of standard single-family lots, if any;
  - 3.—The location of the restricted open space and any proposed recreational facilities;

4.—Natural features to be conserved and any required buffer areas;

5.—Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.

6.—General location of public street rights-of-way; and

7.—Proposed utility easement locations.

3.—**Conservation of Open Space:** An outline of the method/structure to perpetually preserve the required restricted open space, which indicates:

1.—The structure of the Association as required in the Subdivision Regulations;

2.—Membership requirements;

3.—Financial responsibilities; and

4.—The relationship of the entity to public agencies having responsibilities related to the project.

4.—A description of the project phasing including the based construction of open space improvements.

5.—The applicant shall pay a non-refundable fee, as outlined in section 1105.09, to reimburse the City for the costs of reviewing the application.

10.—~~Procedures for Review of Application and Preliminary Plan:~~ (For a further description of the procedures to be followed and the submittals required, see section 1115.05.)

1.—**Review For Completeness:** The TRC shall review the application and Preliminary Development Plan to determine that they include all the items required. If the application and Plan are deemed complete, and the application fee paid, the TRC shall recommend to the City Engineer that the City officially accept the application.

2.—**Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:

1.—Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not

limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency.

2.—Other agencies that, at the discretion of the City, may have appropriate technical expertise.

3.—Appropriate local City administrative officials, including the Law Director.

4.—Consultants retained by the City.

3.—**Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.

4.—**Review by Planning Commission:** Planning Commission shall review the application and Preliminary Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall take action on the submitted application and Preliminary Development Plan by either:

1.—Approving the application and Preliminary Plan as submitted; or

2.—Approving the Preliminary Plan and application subject to specific conditions not included in the Plan as submitted, such as, but not limited to, improvements to the general budding layout or open space arrangement; or

3.—Denying approval of the application and Preliminary Development Plan.

5.—**Referral to Council:** The application and Preliminary Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration in applying the standards of review set forth in paragraph (n), below, may deny the application and Preliminary Plan, approve the application and Preliminary Plan as submitted, or approve the application and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.

11.—**Significance of Approved Application and Preliminary Development Plan.** Approval of the Preliminary 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 Preliminary General Development Plan.
- 3.—Provide the benchmark for the Planning Commission to consider and approve amendments to the Final General Development Plan where the Planning Commission determines that the amended plan is equal to or better than the approved Preliminary Development Plan.
- 4.—Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

12. Final General 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.

- 1.—The Final Development Plan shall include a Site Plan drawn at a scale not less than 1" = 100' indicating:
  - 1.—Boundaries of the area proposed for development, accurate dimensions, and total acreage;
  - 2.—The exact location and dimension of private streets, common drives and public street rights-of-way;
  - 3.—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;
  - 4.—Dimensions of building /unit space;
  - 5.—The extent of environmental conservation an change and the exact location of all no cut / no disturb zones; and
  - 6.—Designated restricted open space areas and a description of proposed open space improvements.
- 2.—A Grading Plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.

- 3.—A detailed Landscaping Plan for new landscaping, including entry features and designs.
  - 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 as required by the Subdivision regulations.
  - 5.—Conditions imposed by other regulatory agencies.
13. Procedures for Review of Final Development Plan: (For a further description of the procedures to be followed and the submittals required, see section 1115.05.)
- 1.—**Review For Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. If the Plan is deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
  - 2.—**Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.
  - 3.—**Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this section.
  - 4.—**Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance/compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:

- 1.—Approving the Final Development Plan as submitted; or
- 2.—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 budding layout or open space arrangement; or
- 3.—Denying approval of the Final Development Plan.

5.—**Referral to Council:** The Final Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.

14.—General Standards for Review: In addition to the specific standards contained in this Section (specifically paragraphs (d) through (g)), the Planning Commission and Council shall apply the following standards in reviewing a PRCD application and Development Plans:

- 1.—Whether the application and plan indicate that the physical development of the PRCD will commence within nine months following the approval, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City;
- 2.—Whether the proposed PRCD is consistent in all respects with the purpose and intent of this section;
- 3.—Whether the proposed PRCD is in conformity with the Comprehensive Plan or any adopted component thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community;
- 4.—Whether the proposed development shall be provided with adequate drainage facilities for surface and storm water flow;
- 5.—Whether the proposed development will be accessible from public roads that are adequate to carry the traffic generated by the proposed development;
- 6.—Whether there will be an undue constraint or burden imposed on public services and facilities, such as fire and police protection, street

~~maintenance, and maintenance of public areas by the proposed development;~~

~~7.—Whether the streets and driveways on the site of the proposed development will be adequate to serve the residents of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the City;~~

~~8.—Whether centralized water and sewer facilities will be provided; and~~

~~9.—Whether the use of the land surrounding the proposed development can be planned in coordination with the proposed development.~~

~~15. Developer's Agreement: Before any improvements are made within a PRCD Overlay District, a Developer's Agreement shall be required incorporating all improvements, requirements and conditions of the development of the district, which requirements and conditions shall run with the land. The agreement shall be drafted in recordable form and recorded with the County Recorder for Warren County.~~

~~16. Major Changes and Additions: Any subsequent major changes or additions to the Developer's Agreement, Development Plans (exceeding twenty-five percent (25%) of the floor area, or ten thousand square feet (10,000 sq. ft.) or uses for the PRCD Overlay District shall first be submitted for approval to the Planning Commission. If the Planning Commission determines that such changes or additions constitute a substantial alteration of the original developer's agreement, development plan, or uses of the district, a public hearing before the City Council shall be required prior to the Council determining whether to accept the subsequent changes or additions. The City Council reserves the right to require changes if it determines, applying the standards of paragraph (n), above, that such changes are required to comply with the purpose of this Section.~~

~~17. Use and Maintenance: Each PRCD Overlay District shall at all times be maintained and used in accordance with the standards set forth above, and in a manner not to create a health and safety hazard to adjacent residents or businesses.~~

~~18.1. Land Division: The division of any land(s) within a PRCD Overlay District shall be in accordance with the platting provisions of the City's preliminary plan and final plat regulations, as set forth in the City's Development Standards, as outlined in Chapter 1111. When such a division is contemplated, a preliminary plat or certified survey map of the lands to be divided shall accompany the petition for a PRCD Overlay District approval.~~