



## **Licking County Planning Commission**

### ***Regularly Scheduled Meeting***

# ***Agenda***

**TIME:** 7:00 p.m.  
**DATE:** June 22, 2020  
**LOCATION:** Meeting Room "A" (Basement Level) Donald D. Hill County Administration Building  
20 South Second Street, Newark, OH 43055

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- 1. Pledge**
- 2. Roll Call and seating of alternate members**
- 3. Approval of meeting minutes, with or without corrections**
  - a. May 18, 2020, LCPC Meeting
- 4. Swearing-In/Affirming of Public**
- 5. Announcements of Director**
- 6. Announcements of Commission Members**
- 7. Old Business**
- 8. New Business**
  - a. Consent Agenda
    - a. 2020-007-SDR  
Regulation: Licking County Subdivision Regulations  
Articles: Section 304: Replat  
Description: Replat of Lots 17 and 18 of the Plat of Fredonia  
Township: McKean  
Applicant: Chris Myers, Owner  
LCPC Planner: Angela Farley, Planner II
  - b. Variances, Zoning Amendments, Subdivision Reviews and Recommendations
  - c. Resolutions
    - a. None
  - d. Election of Officers for the term starting June 23, 2020, through June 28, 2021.
- 9. Public Comments**
- 10. Director's Comments**
- 11. Next Meeting:** July 27, 2020 (*The July 14, 2020, LCPC Board Meeting is canceled. No applications were received.*)
- 12. Adjournment**

## **VARIANCES, ZONING AMENDMENTS, AND SUBDIVISION REVIEWS RECOMMENDATIONS**

### **NEW BUSINESS**

#### **1. 2020-008-SDR**

Regulation: Licking County Subdivision Regulations

Articles: Section 304: Replat

Description: Replat of Lots 21, 22, and 23 of Beech Wood Trails Section 1 into Lot 21-A and Lot 23-A.

Township: Harrison

Applicant: Doug and Sarah Hall, Owner

LCPC Planner: Angela Farley, Planner II

#### **2. 2020-007-Z**

Regulation: Jersey Township Zoning Resolution

Articles: Article 5: Amendment, Section 5.06: Submission to County Planning Commission; Article 9: Residential Districts, Section 9.00: Rural Residential District (RR); Article 11: Residential Districts, Section 11.00: Neighborhood Business District (NB)

Description: A request from the Jersey Township Zoning Commission for a non-binding recommendation on an application from Anne Evans to rezone 61.550-acres on Putnam Road from Rural Residential District (RR) to Neighborhood Business District (NB).

Township: Jersey

Applicant: Jersey Township Zoning Commission, C/o Bud Witney, Zoning Inspector (Application from Anne Evans, Howard Evan Sr)

LCPC Planner: Angela Farley, Planner II

#### **3. 2020-008-Z**

Regulation: Etna Township Zoning Resolution

Articles: Section 605: Submission to County Planning Commission and Article 19: Planned Mixed-Use Development District.

Description: A request from the Etna Township Zoning Commission for a non-binding recommendation on an application from Pulte Homes of Ohio, LLC (developer) on behalf of Charles Hagy (owner) to rezone 154 ± acres at 14097, 14141, and 13541 Palmer Road Agriculture District (AG) to Planned Mixed-Use Development District (PMUD).

Township: Etna

Applicant: Etna Township Zoning Commission, C/o Laura Brown, Zoning Clerk (Application from Pulte Homes of Ohio on behalf of Charles Hagy.)

LCPC Planner: Brad Mercer, Planning Manager

#### **4. 2020-009-Z**

Regulation: Union Township Zoning Resolution

Articles: Article 5: Amendment, Section 5.06: Submission to County Planning Commission; Article 20:

Description: A request from the Union Township Zoning Commission for a non-binding recommendation on proposed text amendments to three (3) sections (Business/Commercial/Manufacturing District, Interstate Business District, and Agricultural and Residential District) within Article 20: Signs as they pertain to setbacks from right-of-way and structures. In addition, Union Township is proposing to add regulations for electronic and digital advertising.

Township: Union

Applicant: Union Township Zoning Commission

LCPC Planner: Jay Fisher, CFM, Planner II



# STAFF REPORT

## Zoning Text/Map Amendment

Application #: 2020-008-Z  
Meeting Date: 06-22-2020  
Prepared By: Brad Mercer, Planning Manager

Etna Township/Charles L. Hagy Revocable Trust (C/o Pulte Homes of Ohio, LLC)

Etna

APPLICANT/PROPERTY OWNER

TOWNSHIP

Zoning Text and Map Amendment

DESCRIPTION

Etna Township Zoning Resolution/ Section 605: Submission to County Planning Commission and Article 19: Planned Mixed-Use Development District

REGULATION / SECTIONS

### BRIEF SUMMARY OF REQUEST:

Etna Township is requesting a non-binding recommendation for a zoning text and zoning map amendment associated with a zoning amendment application they received from Pulte Homes of Ohio, LLC for the Charles Hagy property at 13541 and 14141 Palmer Road SW, Reynoldsburg, OH 43068. The request is to rezone three parcels from Agriculture District (AG) to Planned Mixed-Use Development District (PMUD). The PMUD zoning requires a zoning text amendment and a zoning map amendment. The purpose is to allow for a platted residential subdivision to be developed on the property.



PROPERTY INFORMATION	COMPREHENSIVE PLAN	EXISTING ZONING & USES
<ul style="list-style-type: none"> <li>Location: Southside of Palmer Road in an area bounded by I-70 to the north, Mink Street to the east, the Licking County and Fairfield County line to the south, and I-70 to the west.</li> <li>Parcel Information: <ul style="list-style-type: none"> <li>Owner – Charles L. Hagy Revocable Trust</li> <li>Parcel Numbers/Acreage <ul style="list-style-type: none"> <li>010-017262-00.000/106± acres</li> <li>010-017268-00.000/10± acres</li> <li>010-016860-00.000/38± acres</li> </ul> </li> <li>Total Acreage – 154± acres</li> <li>Frontage – 2,587± ft.</li> <li>Access Road - Palmer Road</li> <li>Current Zoning – Agriculture District (AG)</li> </ul> </li> </ul>	<p>Etna Township – Planning for Our Future</p> <p><b>Adopted:</b> July 5, 2011 Etna Township Board of Trustees Resolution # 11-07-05-06</p> <p><b>Future Land Use Map:</b> The area in question is identified as “Residential” on the Etna Township Future Land Use Map and is described on page 63 in the <i>Etna Township – Planning for Our Future</i> comprehensive plan.</p>	<ul style="list-style-type: none"> <li>Surrounding Zoning/Uses <ul style="list-style-type: none"> <li>North – Agriculture District (AG)/Agriculture</li> <li>Northeast- Medium-Low Density Residential District (R-2)/Single-Family Residential; and, R-1 Single-Family Residential District (RS) (<i>Russel Heights subdivision</i>)/Single-Family Residential.</li> <li>East – Single-Family Residential District (RS) (<i>New England Acres subdivision</i>)/Single-Family Residential</li> <li>South – Violet Township in Fairfield County/Single-Family Residential</li> <li>West – Agriculture District (AG)/Single-Family Residential</li> <li>Northwest – Single-Family Residential District (RS) (Willow Creek Condominiums by Maronda Homes Inc of Ohio)</li> </ul> </li> <li>Zoning in the Area/Uses <ul style="list-style-type: none"> <li>West before I-70 - Medium-Low Density Residential District (R-2) (<i>Colonial Manor</i>)/Single-Family Residential; and, Planned Residential Conservation District (PRCD) (<i>The Preserve at Haaf Farms</i>)/Single-Family Residential.</li> </ul> </li> </ul>

## Staff Recommendation: NON-BINDING RECOMMENDATION OF CONDITIONAL APPROVAL

Staff Recommendation and Basis: To provide the Licking Township Zoning Commission a non-binding recommendation of **APPROVAL WITH CONDITIONS** for the proposed text amendment (2020-008-Z). The conditions include:

- Develop a zoning text that is a stand-alone document that provides sufficient and reasonable standards, that are within the zoning authority of Etna Township that allows the township to review ANY development plan proposal and regulate the land use once development is constructed.
- Remove references and descriptions of the development plan as regulatory and design standards. In place of the plan, including exhibits in the zoning text that identify use zones, preservation area on the site, or other exhibits that are general and not specific to the development plan submitted with the text. This will allow the township to apply the concepts to ANY development plan that is being reviewed after the effective date of the adopted zoning text. It will also allow the township to manage uses and changes within the development initiated by property owners after the developer has completed the project and is no longer involved.
- Align the lot standards and size with the character of the area and the comprehensive plan.
- Consider the comments and recommendations in this report and the LCPC staff Comments in the attached “*Hagy Property Planned Mixed-Use Development District (PMUD) Zoning Text Amendment June 8, 2020.*”

The basis for this recommendation is that upon inclusion of the conditions and recommendations herein, the proposed zoning map amendment and associated zoning text amendment will be in conformance with the township Comprehensive Plan, the *Ohio Revised Code*, and good planning practices.

## BACKGROUND INFORMATION

### PMUD Text Amendment

- The developer has provided a twelve-page zoning text document for review and consideration by the Etna Township officials.

- The Text is titled “Hagy Property Planned Mixed-Use Development District (PMUD) Zoning Text Amendment” and is herein attached for reference.
- This text is submitted in accordance with Article 19, *Planned Mixed-Use Development (PMUD) District* of the *Etna Township Zoning Resolution*, and Section



# STAFF REPORT

## Zoning Text/Map Amendment

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519.021 (B) of the *Ohio Revised Code*.

### PMUD Zoning Map Amendment

- As noted the developer is proposing to rezone a 154± acre parcel currently owned by the Charles L Hagy Revocable Trust from Agriculture District to Planned Mixed-Use Development District (PMUD).
- The parcel is located on the south side of Palmer Road and abuts the New England Acres Subdivision to the east. The development is also west of Mink Road and south and west of I-70, and north County Line between Licking County and Fairfield County.
- Ohio Revised Code Requirements

**Section 519.021, (B) of the *Ohio Revised Code* requires the **SIMULTANEOUS ADOPTION of REGULATIONS and a ZONING MAP AMENDMENT** that will apply to **ONLY** the parcels identified in the zoning text amendment and the **simultaneously adopted zoning map amendment**.**

- The PMUD zoning text is based on the authority of Section 519.021 (B) of the *Ohio Revised Code*. Section 519.021 (B) states the following:
  - *Upon the application of property owners, the board of township trustees may establish a planned-unit development for their property, designating the property as a planned-unit development on the zoning map in accordance with the procedures set forth in section 519.12 of the Revised Code, **and simultaneously adopting regulations as part of that same procedure that will apply only to that planned-unit development.** Within that development, the property is subject to the planned-unit development regulations and not to any other zoning regulations. Compliance with the planned-unit development regulations shall be determined by the board of township trustees or township zoning commission, as applicable. After the designation of the property as a planned-unit development on the zoning map and the simultaneous adoption of regulations that will apply only to that planned-unit development, any approval or disapproval of subsequent use or development of property in a planned-unit development as being in compliance with regulations established as authorized by this division shall not be*

*considered to be an amendment or supplement to a township zoning resolution for the purpose of section 519.12 of the Revised Code, but may be appealed pursuant to Chapter 2506 of the Revised Code.*

**Section 519.021, (B) of the *Ohio Revised Code* further states that **COMPLIANCE with the ADOPTED PLANNED UNIT DEVELOPMENT REGULATIONS** shall be determined by the Board of Trustees or the Zoning Commission **AFTER** the **ADOPTION of REGULATIONS** and the **SIMULTANEOUS ADOPTION of a MAP AMENDMENT** pursuant to Section 519.12 of the *Ohio Revised Code*. In practice, this is the review of the proposed development plan to ensure compliance with the adopted regulations (PMUD text).**

The PMUD text needs to provide the regulations and standards that will allow the township officials to review a proposed development plan and make a determination that the plan complies with the regulations and enforce any requirements in the regulations. The development plan itself shall not be the regulations.

Once the regulations and the PMUD District are established, they would apply to the specified property only. The development plan can and may very well change. The current developer could decide not to pursue the plan and opt for another plan. The developer could decide not to move forward with the plan or project and sell the property. Subsequent purchasers may desire to have a different layout and site design and not use the proposed plan.

**The DEVELOPMENT PLAN is NOT the REGULATIONS or the ENFORCEMENT DOCUMENT. IT IS WEIGHED AGAINST THE REGULATIONS DEVELOPED BY THE DEVELOPER, REVIEWED AND ADOPTED BY THE TOWNSHIP.**

The intent is to have the regulations with sufficient details and standards to allow the township to review a plan set, determine compliance, and enforce the regulations in accordance with the adopted Etna Township comprehensive plan. Pursuant to the *Ohio Revised Code*, the plan is not the regulations and the enforcement document. This is the Zoning





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### Regulations text.

The zoning text shall also be in accordance with Section 519.02 of the *Ohio Revised Code*, which in part permits the Board of Trustees to regulate by a resolution in accordance with a comprehensive plan.

Please reference Section 519.02 for specific authorities.

### Review Perspective

The Etna Township Zoning Commission members and the Etna Township Board of Trustees members need to review and consider the text amendment by an applicant like they would any amendment the township themselves would propose. The only difference is that the applicant is providing the initial draft and not the township.

The adopted zoning text for the PMUD needs to provide all necessary regulatory standards that the township will use to evaluate any development plan for the subject property. The standards need to be within the authority of §519 of the *Ohio Revised Code* and specifically, §519.02 and §519.021. There should be adequate standards that the township can objectively and consistently review any plan submitted for the PMUD parcel and obtain similar results that are in conformance with and promote the adopted Etna Township comprehensive plan.

Additionally, there needs to be sufficient standards that if a modification is requested, whether it is within a year or 20-years into the future, the township would have standards to review and determine compliance with the adopted zoning text. A modification could be requested by the current developer, a future developer if a project is sold, a homeowners association, property owners, etc.

When reviewing a regulatory standard consider the following questions:

- Is this regulatory standard within zoning authority?
- Is this regulatory standard clear and easy to understand?
- Is this standard enforceable?
- Does this standard achieve and promote the goals, objectives, and the intent of the Etna Township comprehensive plan?

- Does this standard further the purpose of promoting the general public welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of all types of development?

- Use of the following terms:

Within the proposed text the terms “Should” and “May” are used frequently for requirements. These are not requirements but permissive. The following terminology guidance is provided:

- Shall – This term is used for items the developer and/or the township officials want to occur.
- Must – May be appropriate and used for certain items to signify items the developer and/or the township officials want to occur in instances where “Shall” is not appropriate.
- –These are permissive terms and do not May and Should require something. If there is a standard that the developer and/or township wants to occur then “Shall” or “Must” need to be used. If using “May” or “Should” for an item, the developer and the township need to question if it needs to be required and the term changed to “Shall” or “Must.” If it is not required then the developer and/or the township should question if it even needs to be listed in the regulations because without requiring it, it is not likely to occur and becomes a meaningless print.
  - For Example, if the standard is that that “*aeration fountains should be provided in all retention basins,*” and these mechanisms need to be included, then the sentence needs to be written to state that “*aeration fountains shall be provided in all retention basins.*”
  - An example of when the term “May” would be appropriate is if something is permissible but not required. “*The open space area may be used for passive recreation, placement of benches, hiking trails, and observation decks.*” This allows certain uses, which need to have followed up text that provides regulatory standards.

Finally, the preliminary development plan is NOT the zoning text and is NOT an enforcement document. After the adoption of regulations (text amendment) and the designation of the property as PMUD (map amendment), the preliminary development plan is reviewed against the adopted regulations to determine compliance with the regulations. Therefore, the



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preliminary and final development plan is the result of the zoning text, which is the enforcement document.

### Access & Roadway:

Palmer Road is a township road that is classified as a Minor Collector roadway in the Licking County Thoroughfare Plan. With proper access management and potential infrastructure upgrades based on the impact of the development, the roadway is sufficient to handle the type of traffic that would be generated by a single-family residential development.

Additionally, adjoining platted single-family residential developments to the east and south have road stubs that can be connected to the road network of any development in the PMUD.

### **The zoning text should speak to this and require connections to these road stubs in adjacent developments.**

The LCPC staff observed that a Traffic Impact Study ("TIS") had been included in the application materials to the Township. A cursory review of the TIS indicates that the consultant did take into consideration the *Licking County Subdivision Regulations*. However, the TIS has not been submitted to the County or reviewed and approved by the Licking County Engineer. Therefore, there could be modifications required once submitted and reviewed by the County.

### Utilities:

The area in question is served by the Southwest Licking Community Water and Sewer District ("SWLCWSD") and Fairfield County Utilities ("FCU"). Both water and sewer services are available in the area and can be extended to serve the site. Based on an email from Chris Gilcher the Utilities Superintendent for the SWLCWSD, he has been in contact with the FCU and there is a willingness to collaborate on this development site and have FCU provide sanitary sewer service and SWLCWSD provide water service.

### Environmental Elements of the Site:

The developer obtained the services of Stantec to conduct an environmental review. Based on the "*Hagy Tract Residential Development Project Wetland and Waterbody Delineation Report*" dated February 28, 2020, there are six potential jurisdictional wetlands and four potential jurisdictional streams identified on the parcels in question. A final determination from the

United States Army Corps of Engineers is identified in the report.

The United States Geological Survey (USGS) Topographic Quadrangle Maps indicate that there are streams on the property. The maps identify these with blue lines. The LCPC utilizes this data in the administration of the *Flood Damage Prevention Regulations for Licking County, Ohio* ("Floodplain Regulations"). The Floodplain regulations require developments such as what is being contemplated, study any intermittent and perennial streams (blue line streams) to determine the base flood elevation, limits of the floodway, and the limits of the flood fringe. This analysis will be completed as part of any County review.

The regulations also require that these mapped areas along with any Federal Emergency Management Agency ("FEMA") mapped flood hazard areas be located in open space and remain in an undisturbed natural state.

### • LCPC Staff Recommendation:

The LCPC staff recommends that the zoning text provide standards for wetlands and mapped flood hazard areas be located in conservation open space area and remain in an undisturbed natural state. Exceptions could be provided for multi-use paths and observation decks upon approval of a Permit to Develop in a Flood Hazard Area by the Licking County Floodplain Administrator, and demonstration of a minimal impact to the wetland, waterbody, or stream. Considerations for sediment and erosion control, preservation of buffers, etc. should be part of the considerations.

If wetlands are to be mitigated, identify the types of wetlands that can be mitigated. For example, Section 3745-1-54 of the Ohio Administrative Code identifies categories of wetlands as follows:

- Category 1 - Wetlands assigned to category 1 support minimal habitat, and minimal hydrological and recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director. Wetlands assigned to category 1 do not provide critical habitat for threatened or endangered species or contain rare, threatened or endangered species
- Category 2 - Wetlands assigned to category 2 support moderate habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director.



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- Category 3 - Wetlands assigned to category 3 support superior habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director.

Category 1 wetlands could be mitigated, Category 2 and definitely the Category 3 wetlands should be retained. Retained wetland should have sufficient buffers, and be protected. Currently, the *Licking County Subdivision Regulations* require a 25-foot no-disturb buffer around all wetlands and they are to remain in an undisturbed natural state.

### ZONING MAP AMENDMENT ANALYSIS

As noted in the background information above, the subject parcels are in an area that has the following zoning districts:

Single-Family Residential District (RS)  
Medium-Low Density Residential District (R2)  
Planned Residential Conservation District (PRCD)  
(Overlay District for the area bounded by I -70 to the north and west, the County line to the south, and Mink Street to the east. The Preserve at Haaf Farms has developed and subsequently is zoned PRCD.)  
Agriculture District (AG)

These districts are low to medium density developments, with primarily low-density development existing in the area.

The PMUD zoning tool, is a flexible zoning tool that can be developed to promote the character of the area, the low to medium density development currently in the area and identified in the comprehensive plan, and to design a development that would fit harmoniously with the adjoining parcels.

Therefore, the proposed zoning map amendment can be a beneficial zoning tool and is supported by the comprehensive plan and LCPC staff.

### ZONING TEXT AMENDMENT ANALYSIS

#### LCPC Staff Review Overview:

**The zoning text is a critical document in the proposed zoning amendment application. In accordance with the *Ohio Revised Code*, the zoning text document needs to be a stand-alone document and have sufficient and reasonable standards within the zoning authority of the township to provide the zoning tools for the**

**township to review ANY plan set submitted for a development proposal.**

These regulations and standards, as required by the *Ohio Revised Code*, shall be in accordance with a comprehensive plan, the *Etna Township Zoning Resolution*, and the *Ohio Revised Code*.

**The following are the main concern the LCPC staff has with the proposed zoning text:**

- **Portions of the text reference plan exhibits and the development plan.** These are documents that are to be developed and reviewed against the adopted regulations. For example, in the Open Space Per Section portion of the text on page 7, the text states that “*open space shall be interspersed in each quadrant and development phase as depicted on the plan exhibits.*” Instead, the text should provide standards on how the open space shall be disbursed, and provide a quadrant exhibit that shows quadrants and general boundaries, and does not have images of a specific plan or development layout. Think of it as the future land use map, where areas are generally identified, but specific parcels are not identified.

Another example is under the section titled “Size, Location and Project Overview for PMUD” it states that the Hagy Tract is to be “*developed under this uniform zoning text and the accompanying development plans.*” This implies the development plans are part of the regulatory document, which they are not. They are the result of the regulatory document.

Other examples exist throughout the document. The LCPC Staff believes the township needs to amend its PMUD zoning text to remove the requirement to submit plans with the zoning text. This creates confusion for the applicants, who consistently interpret this to mean the development plan is part of the zoning amendment. Based on the *Ohio Revised Code*, it is not and is in fact a subsequent act and review.

The zoning text provided has standards, but in many areas, such as the “**Density Calculations**” section of the text is a description of what the developer has designed, instead of a zoning standard for determining the density of development can be.

- **The lot sizes proposed is a major concern, the**





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**lots being proposed are characteristic of urban core versus a suburban or rural area as identified in the comprehensive plan.** The lots proposed would be much smaller than lots in other development in the area, including the most recently developed The Preserve at Haaf Farms. Therefore, the lots would be out of character for the area and the comprehensive plan.

### Existing Zoning District:

- Agriculture District (AG)
  - Permitted Uses
    - Single-Family Residential
    - Accessory Uses & Structures
    - Home Occupation
    - Agriculture, Forestry, Fishing, and Hunting
    - Farm Product Warehousing and Storage
    - Educational Services
    - Arts, Entertainment, and Recreation
    - Cemeteries and Crematories
    - Religious Organizations
  - Conditionally Permitted Uses
    - Sawmills
    - Child Day Care Services
    - Golf Courses and Country Clubs
    - RV Parks and Campgrounds
    - Recreation and Vacation Camps
  - Lot Standards (Minimums)
    - Lot Area – 5 Acres
    - Lot Width/Frontage – 250 Feet
    - Setbacks
      - Front – 40 Feet
      - Side – 30 Feet
      - Rear – 40 Feet
    - Dwelling Bulk – 1,800 Sq. Ft.
- Planned Residential Conservation District (Overlay)
  - Permitted Uses
    - Single-Family Residential
    - Accessory Uses & Structures
    - Home Occupation
    - Agriculture, Forestry, Fishing, and Hunting
    - Farm Product Warehousing and Storage
    - Educational Services
    - Arts, Entertainment, and Recreation
    - Cemeteries and Crematories
    - Religious Organizations
  - Conditionally Permitted Uses
    - Sawmills
    - Child Day Care Services
    - Golf Courses and Country Clubs
    - RV Parks and Campgrounds
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- Lot Standards (Minimums)
  - Lot Area – 5 Acres
  - Lot Width/Frontage – 250 Feet
  - Setbacks
    - Front – 40 Feet
    - Side – 30 Feet
    - Rear – 40 Feet
  - Dwelling Bulk – 1,800 Sq. Ft.

### Proposed Zoning District:

- Planned Mixed-Use Development District
- Permitted Uses
  - Detached traditional and empty nester single-family homes
  - Customary home occupations
  - Customary accessory uses
  - Cluster mailbox locations
  - Common open Space
  - Improved Open Space
  - Natural Open Space
  - Up to 4 model units
  - Agriculture Activities are permitted until infrastructure improvements are completed for each phase of development.
  - Swimming pools
- Conditionally Permitted Uses
  - None proposed.
- Lot Standards (Minimums)
  - Patio Home Lots (55' x 135')
    - Lot Area – 0.170 Acres (7,425 Sq. Ft.)
    - Lot Width/Frontage – 55 Feet
    - Setbacks
      - Front – 15' minimum and 25' maximum
      - Side – 6' each side with a 1' encroachment allowance.
      - Rear – 30'
    - Dwelling Bulk – One Story = 1,200 Sq. Ft. and Two Story = 1,700 Sq. Ft. Both exclude the garage, which can be a two-car garage.
    - Maximum Lot Coverage – 60%
  - Traditional Single-Family Home Lots (60' x 140')
    - Lot Area – 0.193 Acres (8,400 Sq. Ft.)
    - Lot Width/Frontage – 60 Feet
    - Setbacks
      - Front – 15' minimum and 30' maximum
      - Side – 6' each side with a 1' encroachment allowance.
      - Rear – 30'
    - Dwelling Bulk –
    - Maximum Lot Coverage – 45%

### Compatibility with the *Ohio Revised Code*:





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- The proposed Planned Mixed-Use Development District (“PMUD”) zoning text follows Section 519.021 (B) of the *Ohio Revised Code*, which states the following:

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

- LCPC Staff Review:

The proposed zoning text appears to not be contrary to Section 519.021 (B) of the *Ohio Revised Code*, with the exception that aspects of the text are not in accordance with the effective comprehensive plan. Should the township go against the comprehensive plan they need to clearly state why and follow up with an update to the comprehensive plan or an initiative to develop a new comprehensive plan.

### Comprehensive Plan & Future Land Use Map:

- The Etna Township comprehensive plan titled “*Etna Township – Planning For Our Future*” is the current effective comprehensive plan.
- Future Land Use Map – The area in question is identified as “Residential.”
- Plan Text – Page 63 of the plan describes the

“Residential” land use category identified on the Future Land Use Map.

- Continued incorporation of low to medium density housing options.
- No major change in density should be employed in these areas.
- Residents have voiced an interest in maintaining the rural atmosphere in the community.
- The zoning commission should consider increasing the lot size in these areas to avoid a suburbanized area.
- Traditional suburban development should be in these areas.
- Open space is always an important part of the residential neighborhood.
- Continue to require useable open space in large contiguous blocks that are accessible to all residents.

- LCPC Staff Review:

The proposed zoning text does work towards some elements of the comprehensive plan, such as the provision of open space. The zoning tool itself as discussed earlier in the report can be designed to support the comprehensive plan. The main element that needs to be revised is the lot standards, which as discussed in this report are more characteristic of an urban area and not a suburban or rural area. Furthermore, the lot sizes proposed are not supported by the comprehensive plan or the character of the area.

### Proposed Lot Standards

The proposed zoning text has the following:

- Lot Standards (Minimums)
  - Patio Home Lots (55’ x 135’)
    - Lot Area – 0.170 Acres (7,425 Sq. Ft.)
    - Lot Width/Frontage – 55 Feet
    - Setbacks
      - Front – 15’ minimum and 25’ maximum
      - Side – 6’ each side with a 1’ encroachment allowance.
      - Rear – 30’
    - Dwelling Bulk – One Story = 1,200 Sq. Ft. and Two Story = 1,700 Sq. Ft. Both exclude the garage, which can be a two-car garage.
    - Maximum Lot Coverage – 60%
  - Traditional Single-Family Home Lots (60’ x 140’)
    - Lot Area – 0.193 Acres (8,400 Sq. Ft.)
    - Lot Width/Frontage – 60 Feet
    - Setbacks
      - Front – 15’ minimum and 30’ maximum
      - Side – 6’ each side with a 1’ encroachment allowance.



# STAFF REPORT

## Zoning Text/Map Amendment

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- Rear – 30'
- Dwelling Bulk –
- Maximum Lot Coverage – 45%

### • Lot Standard Comparison

The following is a comparison of the minimum lot standards in the proposed PMUD zoning district compared to the surrounding zoning districts:

Standard	AG	RS	R2	PRCD	PMUD Patio Home	PMUD Traditi onal Home
Lot Area	217,800 Sq. Ft.	14,520 Sq. Ft.	32,670 Sq. Ft.	12,000 Sq. Ft.	7,425 Sq. Ft.	8,400 Sq. Ft.
Lot Width	250'	70'	80'	80'	55'	60'
Setbacks						
Front	40'	25'	30'	40'	15' Min & 25" Max **	15' Min & 25" Max **
Side*	30'	12'	15' one side and 10' the other.	15'	6' ***	6' ***
Rear	40'	25'	30'	30' dwelling 15' accessory structure	30'	30'
Structure Height	35'	35'	35'	35'	35'	35'
Structure Bulk	1,800 Sq. Ft. ****	1,500 Sq. Ft. ****	1,600 Sq. Ft. ****	1,100 Sq. Ft.	One- Story = 1,200 Sq. Ft. and Two- Story = 1,700 Sq. Ft. *****	One- Story = 1,200 Sq. Ft. and Two- Story = 1,700 Sq. Ft. *****
Maximum Lot Coverage	N/A	N/A	N/A	30%	60%	45%

\*Each side lot line.

\*\*A front porch may extend into the front setback but shall be no closer than 15' from the right-of-way line.

\*\*\*A one-foot encroachment is permitted.

\*\*\*\*Exclusive of porches, decks, garages, and basements.

\*\*\*\*\*Exclusive of garages.

The following is the percent change in lot area between the various surrounding zoning districts and the proposed PMUD zoning district:

AG to PMUD Patio Home	AG to PMUD Traditional Home
97% decrease in lot area	96% decrease in lot area.

RS to PMUD Patio Home	RS to PMUD Traditional Home
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48% decrease in lot area	42% decrease in lot area.
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AG to PMUD Patio Home	AG to PMUD Traditional Home
97% decrease in lot area	96% decrease in lot area.

R2 to PMUD Patio Home	R2 to PMUD Traditional Home
77% decrease in lot area	74% decrease in lot area.

PRCD to PMUD Patio Home	PRCD to PMUD Traditional Home
38% decrease in lot area	30% decrease in lot area.

### • Density Comparison

The following is a comparison of the permitted gross density for the proposed site between the various zoning districts in the area and the proposed PMUD.

	AG	RS	R-2	PRCD	PMUD
Unit per lot*	1 unit	1 unit	1 unit	1 unit	2.4
Number Lots Permitted**	12	17	27	211	376

\*The unit per lot is based on the zoning text for each district.

\*\*The number of lots permitted is calculated based upon the 154-acre site, less 37% open space, and less 1% for road right-of-way, which leaves 58-acres for lots. The 58-acres is then divided by the minimum lot area for the district. The values for the PMUD are from the application.

### • Dwelling Unit Square Footage Comparison

Standard	AG	RS	R2	PRCD	PMUD Patio Home	PMUD Traditi onal Home
Structure Bulk	1,800 Sq. Ft.	1,500 Sq. Ft.	1,600 Sq. Ft.	1,100 Sq. Ft.	One- Story = 1,200 Sq. Ft. and Two- Story = 1,700 Sq. Ft.	One- Story = 1,200 Sq. Ft. and Two- Story = 1,700 Sq. Ft.
Percent of Lot Covered by Unit	.8%	10%	5%	9%*	One Story = 16% and Two Story = 22%**	One Story = 14% and Two Story = 20%***

\*The PRCD District has an overall maximum lot coverage of 40%.

\*\* The PMUD District Patio Home lots have an overall maximum lot coverage of 60%.

\*\*\* The PMUD District Traditional Home lots have an overall maximum lot coverage of 45%.



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### Lot Size Comparison with New England Acres, Russel Heights

New England Acres, Russel Heights, and The Preserve at Haaf Farms are existing platted residential subdivisions in the immediate area of the development in Etna Township. The lots size comparison is provided to illustrate how the proposed development lot sizes compare to the existing character of the area.

	New England Acres	Russel Heights	The Preserve at Haaf Farms	PMUD Patio Home	PMUD Traditional Home
Lot Area	24,765 Sq. Ft.	14,000 Sq. Ft.	13,500 Sq. Ft.	7,425 Sq. Ft.	8,400 Sq. Ft.
Lot Width	127'	100'	90'	55'	60'

### Density and Affordable Housing

Among officials in various levels of government in Licking County, there have been discussions on affordable housing. With the increased development of warehousing, distribution, and other manufacturing facilities, the need for affordable housing for the workforce is a topic of concern. Increased density, smaller lots, and smaller homes are variables of affordable housing. However, they are not the only variables and not solely the solution.

There is a distinction between affordable housing and subsidized housing.

- According to the Federal Housing and Urban Development (HUD) agency. Affordable housing is 30% of a household's income is spent on housing including mortgage, rent, and utilities. Affordable housing is market housing that is deemed affordable to those with a median household income or below in the area housing is to be provided.
- Subsidized housing is government-sponsored economic assistance aimed towards alleviating housing costs and expenses for impoverished people with low to moderate incomes. This includes subsidies, non-profit housing, public housing, rent supplements, etc.

A distinction is made because the two are often intermixed or confused. According to the US Census Bureau, the median household income (in 2018 dollars) in Licking County is \$62,715.

The developer for the project is Pulte Homes of Ohio LLC. The LCPC staff reviewed their website [www.pulte.com](http://www.pulte.com) to obtain information regarding the proposed home series products and the price points for these homes. Below is a listing of Pulte Homes of Ohio developments in Central Ohio, and the starting

price point for the development. The purpose is to give a general idea of the price points that may occur in the proposed development.

- **The Communities at Galena – Galena, OH, \$276,990\***
- Brookview Manor – Galena, OH, \$372,990
- Glenross – Delaware, OH, \$285,990
- Hyatt Crossing - Powell, OH, \$300,000
- Heathers at Golf Village North – Powell, OH, \$319,990.
- Liberty Trace – Powell, OH, \$366,990
- Carpenters Mill – Powell, OH, \$399,990
- Jerome Village – Plain City, OH, \$408,990
- Autumn Rose Woods – Dublin, OH, \$435,990
- **Tarleton Meadows, Hilliard, OH, \$285,990\***
- **Meadow at Spring Creek – Pickerington, OH - \$311,990\***
- **Lake Forest – Pickerington, OH, \$250,990\***
- Jefferson Run – Pataskala, OH, \$263,990\*\*
- Hazelwood – Pataskala, OH, \$242,990\*\*
- Creekside Preserve – Johnstown, OH, \$Mid \$200's\*\*
- Nottingham Trace – New Albany, OH, \$321,990
- The Preserve at Rocky Fork – Westerville, OH, \$Mid \$200's
- **Crossings at Rocky Fork – Westerville, OH, \$274,990\* \*\***

*\*The development has one or more home series that have the same name as those provided in the zoning application. The proposed development may have similar price points as these developments with similar products. Actual price points were not provided by the developer and requests for information were not responded to in time to be included in this report.*

*\*\* The development is a Centex Community a partner with Pulte Homes of Ohio.*

Again, smaller lots and smaller homes in themselves do not provide or guarantee affordable housing. There are other variables involved as well. It is noted that the applicant has not identified affordable housing as a consideration in their zoning application. This topic is only presented due to discussions occurring at various levels of government in the County.

While affordable housing may be a consideration for the township, the township should also ensure the lots are usable, functional, and of sufficient size to meet requirements of both the township and other agencies and for the provision of public services, including utilities, emergency services, storm drainage systems, etc.

### LCPC General Comments on Lot Size

Other considerations with the lot size include the





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Licking County Regulations and the Southwest Licking Water and Sewer District Regulations. The Licking County Regulations and potential conflicts are outlined in the following section titled “Licking County Regulations.” Items like storm drainage and utility easements will impact side and rear yards.

Additionally, the Southwest Licking Community Water and Sewer Districts regulations may impact the design and setbacks. In most developments, the sanitary sewers are in 20-foot easements outside the road right-of-way and in the front yards of the lots.

### 2020-008-Z Report Addendum

The LCPC has provided specific comments to the proposed zoning text within the draft zoning text provided by the applicant. This is hereby included as part of the LCPC staff report as the “2020-008-Z Report Addendum herein attached.

### Licking County Regulations:

The following Licking County regulations are provided to make the developer aware of the requirements so that as they plan this development they can comply with both Township Zoning and the Licking County Regulations. Also, they are presented to make the township aware of these requirements as they may impact the overall design and useable acreage on individual lots. This is not a detailed listing of regulatory requirements and is not a formal review of the development plan and the zoning text in comparison to the County regulations. Other requirements may be identified after a formal submission to the Licking County Technical Review Committee.

### Licking County Subdivision Regulations

- Standards in the *Licking County Subdivision Regulations* that may impact the overall design and layout include the following:

- Section 405.3 Easements

- Subsection (A) requires ten-foot (10') utility easements along the side and rear lot lines for each lot. For lots that share a common lot line, this may be five feet (5') on each side of the lot.
- LCPC Comment: The proposed setbacks of 6' with one-foot encroachments, basically provide a 5' setback from the lot line. In conjunction with the Licking County Requirement, this can mean that utility easements will be up against a structure. Consideration should be given for equipment and work that is conducted in these

easements, such as excavation, trenching, drainage, etc. that can be up against the home.

- Section 504.4 Left Turn Lane Improvements

- This section requires a left turn lane when the development has over twenty lots and accesses a Major Collector roadway, which Refugee Road is classified as a Major Collector Roadway.
- LCPC Comment: Additional road right-of-way may need to be dedicated along Palmer road if needed to accommodate turn lanes. This may impact setbacks from Palmer Road for developments.

- Section 504.5 Right Deceleration Lane Improvements and Requirements

- This section requires a right deceleration turn lane improvement on the existing roadway if the peak hour trips are more than fifty (50) peak hour trips. This would apply to the access to Refugee Road and may be required pending a review of a traffic impact study yet to be developed.
- LCPC Comment: Additional road right-of-way may need to be dedicated along Palmer road if needed to accommodate turn lanes. This may impact setbacks from Palmer Road for developments.

### **Flood Damage Prevention Regulations for Licking County, Ohio**

- Section 4.3 Subdivisions and Major Developments
  - In part this section requires the following:
    - *For developments occurring adjacent to or near any stream or body of water not identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), including intermittent streams, the developer shall determine the 100-year base flood elevations through a certified engineering analysis by a Registered Professional Engineer in the State of Ohio. This will establish the pre-development conditions.*
    - Any crossing of this floodplain or other activity in the mapped floodplain will then be compared to these pre-existing conditions.
    - Furthermore, the engineering analysis shall determine the flood fringe and the **floodway**. Emphasis is given to the floodway as this is often overlooked in the study, which adds to review delays as the applicant has to have their engineer go back and create this data.





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- There are also stream buffer requirements based on the drainage area. These buffers are on both sides of the stream and measured from the top of the bank. In areas where the mapped floodplain exceeds these minimum buffers, the floodplain boundaries shall be the limits of the buffer. The following is a listing of the buffer dimensions based upon the drainage area.
- Additionally, the regulations require the following:
  - All street surfaces must be located one or more feet above the base flood elevation.
  - All streams and flood-prone areas (mapped floodplain) shall remain as open space. No area where natural elevation is shown as flood-prone shall be used for building sites or lots. I.e. all lots shall be located outside the mapped floodplain.
  - A conditional letter of map revision or letter of map revision may be required if any fill is proposed to remove an area from the mapped floodplain.
- LCPC Staff Comment: Based on the USGS Topographical Quadrangle, two blue line streams impact this property. One would impact the SE corner of the project and the other is more centrally located and has a NE to SE course. Both appear to flow towards the south into Fairfield county.
  - These streams and the associated flood analysis may impact the location of lots and design of the roadways. The developer should complete a floodplain analysis through a hydrologic and hydraulic model before establishing a design for the layout of lots and the roadways. This study would be reviewed and approved by the Licking County Engineer and Licking County Planning Commission
- Section 402 Buffering, Easements, and Maintenance
  - Section (B) requires a 50-foot no-disturb buffer easement and a 75-foot no impervious surface buffer easement on each side of the stream as measured from the top of the bank.
- LCPC Staff Comment: These easements will be outside of any individual lots in common open space and may impact the design and layout of the development.

### Licking County Soil Erosion and Stormwater Regulations

- Section 400.2: Erosion Control Standards
  - Subsection (T) requires *"an undisturbed natural buffer area shall be maintained for a distance of 25-feet adjacent to any body of water as measured from the wetland or pond banks except when in the interest of public health, safety, and welfare, or the contour of the land requires a different buffer subject to the LCPC approval."*
  - Section (A) requires a 50-foot watercourse buffer easement on each side of a stream as measured from the top of the bank. In areas where the floodplain exceeds this 50-feet, the entire floodplain shall be the watercourse easement.

## **2020-008-Z Report Addendum**

The 2020-008-Z Report Addendum provides specific comments from the LCPC staff in regards to the draft zoning text. This addendum is part of LCPC Staff report 2020-008-Z and the comments herein are part of the comments and recommendations that are referenced in the conditions of approval. Text in green is recommended to be added, text in red that is stricken is recommended to be deleted. Text in blue is LCPC comments.

**HAGY PROPERTY  
PLANNED MIXED-USE DEVELOPMENT DISTRICT  
(PMUD)  
ZONING TEXT AMENDMENT  
June 8, 2020**

In accordance with section 1900 of the Etna Township Zoning Resolution (**“Resolution”**), this Planned Mixed-Use Development (PMUD) zoning text and attached plans are submitted under the inherent flexibility of planned unit development and Ohio planned district law. Planned mixed uses are presented with design standards written for this particular subject tract and a PMUD is proposed to produce a high quality development, with integrated uses that could not be replicated under standard zoning districts.

Upon final approval of this Hagy Property PMUD zoning text amendment by Etna Township, development of the herein described property shall remain in strict compliance with this PMUD text ~~and the attached development plans~~, as hereafter approved or modified in accordance with sub-section 1903,(B) of the Etna Township Zoning Resolution (“Resolution”) and all ~~general non-district regulations/standards~~ **Articles 10 through 16** in the Resolution shall apply to this PMUD unless the specified regulation/standards conflict with this PMUD text and attached development plans, at which time all conflicting general non-district regulations/standards in this PMUD text and attached development plans shall take precedence.

LCPC Staff Comment: The above changes are recommended in order to comply with the Ohio Revised Code as outlined in the report. The development plan is not part of the zoning text, and is not subject to Section 519.12 of the *Ohio Revised Code*, which is the process outlined in Section 1903, (B) of the Etna Township Zoning Resolution. The development plan is reviewed against the zoning text that is adopted in accordance with Section 519.12 of the *Ohio Revised Code*. The development plan is an administrative action that can be appealed pursuant to Chapter 2506 of the *Ohio Revised Code*.

Additionally, to ensure standards are appropriately interpreted and applied, the author needs to be specific and identify the appropriate terminology, regulatory sections, etc. Otherwise, the text can be vague, arbitrary, and subject to multiple interpretations.

## SIZE, LOCATION AND PROJECT OVERVIEW FOR PMUD:

Applicant:	Pulte Homes of Ohio, LLC
Developers:	Pulte Homes of Ohio, LLC, 475 Metro Place South, Ste. 200, Dublin, OH 43017
Engineer/Planner:	Joe Looby, Stantec Consulting Services, 1500 Lake Shore Drive, Ste. 100, Columbus, OH 43204
Property:	153.508 acres, project area Palmer Road (Site area – acreage less R/W dedication of 1.77 ac)
Tax Parcel Nos.:	010-016860-00.000 (38.00 ac, 14141 Palmer Road, SW, Etna, OH); 010-017262-00.000 (106 ac, 13541 Palmer Road SW, Etna, OH); 010-017268-00.000 (10 ac, 14097 Palmer Road SW, Etna, OH)

The Hagy Tract Planned Multi-Use District (PMUD) consists of approximately 155.281 survey acres and 153.508+/- acres after proposed right-of-way dedication, is located south of Palmer Road SW, north of the Fairfield/Licking County boundary line, west of Mink Road SW and east of I-70 and is to be developed under this uniform zoning text and the accompanying development plans. All three existing parcels are currently zoned Agriculture District Planned Residential Conservation District and are currently farmed, with existing residences and accessory buildings.

Currently located adjacent to the proposed development are the following:

- To the West – Undeveloped, wooded acreage, along with large lot, single-family homes.
- To the North – Large lot single-home with farmland and a partially completed townhome condominium development.
- To the East – Subdivision style development.
- To the South – Subdivision style development across the Fairfield County line.

### LCPC Staff Comment:

The above information is application information and not regulatory standards or guidance. It would be appropriate to identify that the regulations herein apply to specified parcels and the total acreage. However, the other information is applicant information an irrelevant to a zoning text.

## USE OF ENVIRONMENTALLY SENSITIVE AREAS:

**Environmentally Sensitive Areas:** Six wetlands of approximately .53 acres have been field identified on site and have been classified as PEM and are category 1 wetlands. All wetlands that may conflict with the approved development plan will be mitigated through the Army Corps of Engineers or the Ohio Environmental Protection Agency, whichever agency is applicable based on type and classification of specific wetland. Wetlands shall have an undisturbed, natural buffer of 25' measured from edge of the delineated wetland, and be located in land dedicated to Natural Open Space and preserved in their natural state, free of any earth disturbing activities and allowed to function as a natural wetland.

None of the site is in the FEMA 100-year flood plain or flood hazard zone. The locations of slopes greater than twenty (20) percent are identified on Exhibit A, Existing Features Plan. The wooded area on site is approximately .6 acre.

Any environmentally sensitive areas identified when the Final Development Plan is prepared shall be accommodated in accordance with Section 1903.C.2.b of the PMUD.

**LCPC Staff Comment:**

See review and comments in the “Environmental Elements of the Site” section under “Background Information” in the LCPC staff report.

**DENSITY CALCULATIONS:**

Applicant Pulte is requesting to rezone the property to Planned Mix Use District (PMUD), with a uniform and consistent development plan, text and standards that shall apply to the entire 153.508+/- acre tract. The proposed development will consist of a total 376 total residential units and recreational open space. 209 units shall be detached traditional single-family homes and 167 units shall be detached patio homes (45% of the site) on fee simple lots. The traditional single-family home lots will be a minimum of 60' x 140' and the patio homes will be a minimum of 55' x 135' in order to provide a variety of lots and home sizes. The development will have a gross density of +/-2.4 du/ac and a net density of +/- 3.0 du/ac. All homes shall have a minimum two-car garage. The homes and lot sizes are designed to meet changing demands in the housing market for updated and amenitized homes on more manageable lot sizes with greater common open space. Such lot sizes and quality homes equate to value in the market, while allowing the community to structure recreational open spaces in larger configurations for more common enjoyment, to preserve natural areas and to buffer neighboring properties. With such lot sizes and development pattern, the percentage of open space that is preserved, +/- 37% (or 57.4 acres), is more than twice that required by typical residential codes (15%) and exceeds many traditional large lot developments.

Acreage	153.508 site (net of R/W dedication) 123.068+/- net dev. acres
Number of Single-Family Homes	209
Number of Patio Homes	167
Open Space Areas/(Percentage)	57.4 +/- acres (37%)
Right of Way Acres	1.77+/- acres
Net Density	3.0+/- du/ac;
Gross Density	2.4 +/- du/ac

**LCPC Staff Comment:**

This section is a request and a description of what is shown on the development plan. It needs to be written such that it is a regulatory document and standards. Provide a formula for determining the density with considerations for deducting required open space, road right-of-way, environmentally sensitive areas that are not developable such as floodplains, wetlands, steep slopes from the gross acreage, etc.



## PERMITTED LAND USES:

Within the site the following uses, when developed in strict compliance with the approved PMUD Text and standards, may be permitted:

- A. ~~Detached traditional and empty nester single family homes.~~ Detached Single-family Dwelling Unit.
- B. All lots in the development shall be used for single-family residential purposes and open space features and amenities depicted on development plans and shall meet the requirements set forth in this text. Not more than one home is permitted on each lot.

No building shall be erected, altered, placed or permitted to remain in any lot that would exceed two and one-half (2-1/2) stories in height or thirty-five (35) feet from the finish grade of the building. Permitted improvements on lots shall consist of room additions and structures which include an attached garage, an uncovered and covered and/or enclosed patio, pergolas and privacy yard fences both as specified for individual lots and to protect in-ground swimming pools as needed and as further described herein and in the Declaration of Covenants, Conditions, Easements and Restrictions (the "Homeowners' Association Documents").

### LCPC Staff Comment:

Townships do not have authority to enforce development declarations. Therefore, standards need to be provided in the zoning text. Detached traditional and empty nester single-family homes are terms not defined in the Etna Township Zoning Resolution. The term Dwelling is used. Therefore, it is recommended the other text is stricken and "Detached Single-family Dwelling Unit" is used.

- C. Customary ~~h~~Home occupations in accordance with the Etna Township Zoning Resolution ~~and HOA deed restrictions.~~
- ~~D. Customary a~~Accessory Structures ~~uses~~ as permitted per section 1005 of the ~~Township Zoning Code~~ Etna Township Zoning Resolution ~~are allowed within this PMUD.~~
- E. Cluster mailbox locations are permitted subject to United States Parcel Service ("USPS") ~~USPS~~ regulations and local Postmaster approval.
- F. Common Open Space – Open space designed specifically to benefit the residents of the planned development through aesthetics, buffering, paths and amenities, recreational areas, entrance features, etc. Common Open Space is intended to be fully open and available for use by all residents of the planned development. Common Open Space can be improved or natural in character as follows:
  - 1. Improved Open Space – Upon approval of the PMUD Text by the township, the following uses and improvements may be permitted:
    - a. Active and Recreational activities, such as pedestrian pathways, open spaces which may be used for non-organized and not for profit recreational activities and gathering areas.
    - b. Accessory structures such as gazebos, shelters, pavilions, trellises and benches incidental and pertinent to active open space, as set forth above.
  - 2. Natural Open Space - Open space which is restricted to passive uses such as hiking and such other recreation that does not alter any of the natural features of the area. Natural Open Space can include existing open spaces

or planned open spaces such as detention/retention ponds. Land designated as Natural Open Space shall not be improved or developed, except as provided within this text and attached plan exhibits.

- a. Pedestrian pathways, shelters, pavilions and benches may be permitted provided that they are not prohibited by any other applicable law and that the applicant can demonstrate that there will be minimal impact. Measures will be taken to provide for sediment and erosion control during construction, and the materials that are used are resistant to rot.
- b. Informational signage pertaining to Natural Open Space areas as determined by Home Owners Association (HOA) which complies with Article 12 of the Zoning Resolution.

G. Up to four model units (two traditional single-family models and two patio home models) for sales and display of homes shall be permitted. The model homes usage in the respective subareas shall terminate when the zoning certificates of compliance have been issued for ninety-five percent (95%) of all of the lots within the development. Defined as residential units to display the builders/developer's product are permitted subject to Exhibit F: Model Home Parking Lot and Signage Plan, and the following:

1. Lighting: All exterior lighting must be fully shielded down lighting so that no lighting shall be cast on adjacent residential units. Off street parking shall be illuminated. All exterior lighting, except for security lighting or landscape lighting shall be extinguished at the closing time of the model home.
2. Parking. Each model unit shall provide two (2) off street parking spaces in close proximity to the model unit to be used by the public. A driveway serving the model unit may be used for two (2) parking spaces.
3. Landscaping for a model unit is depicted on Exhibit G, Home Landscape Plan and shall be installed prior to the use of the model unit in accordance with Article 16.
4. Model unit signage shall conform to Exhibit F: Model Home Parking Lot and Signage Plan.

H. Agricultural activities shall be permitted until infrastructure improvements are completed for each phase of development.

I. Permitted swimming pools must be in-ground construction and fenced in accordance with the requirements and provisions of the Etna Township Zoning Resolution and applicable health and safety regulations. Spas/hot tubs maybe permitted as long as they are fenced and screened from the adjoining property owners. All swimming pools and spas/hot tubs shall be located in the rear yard and no closer than fifteen (15) feet from the rear and side yard property lines in accordance with the requirements and provisions of the Etna Township Zoning Resolution. Swimming pools and spas shall be drained, refilled and maintained in accordance with the requirements and provisions of the Etna Township Zoning Resolution and applicable health and safety regulations.

J. Fencing on Lots: Fencing for in-ground swimming pools shall be permitted on lots, where it is required by law to surround an in-ground swimming pools. Such fencing shall be code compliant and shall further be in accordance with the Etna Township Zoning Resolution. Generally, such "pool fencing" shall enclose an area not in excess of two (2) times the water surface of the swimming pool. Pool fences shall be constructed of metal or aluminum with a black finish.). Other rear yard fencing is permitted on lots as privacy and security fencing not to exceed forty eight (48) inches in height and designed as white picket style, as to be further specified in the homeowners' association documents. Any pool fencing and on-lot fencing shall be constructed of the style in accordance with

the homeowners' association documents and specifications. No chain link fences are permitted. Fencing shall not obstruct or impede the drainage and/or flood routing on the lot. All other yard or perimeter fences are prohibited except as provided under this paragraph.

**K. Garden (Moved from Prohibited Uses Note)**

**LCPC Staff Comment:**

The above is a mix of permitted uses and standards. It is recommended that the permitted uses are listed in this section and standards are provided in the appropriate sections for the text listed or a separate section. For example, open space standards under the open space permitted use need to be in the Open Space section.

Certain standards are repeated and/or worded differently in this section versus other sections in this text. This can create confusion and varying standards for the same use. Also ensure the terms herein are in the definition section of the zoning text or within the PMUD zoning text. For example add a definition of "Model Units", "Garden", "Cluster Mailboxes", "Traditional Single-Family Home", "Empty Nester Single-Family Home", "Patio Homes" will need to be defined. Also use terms from the definition section in the terminology of this document. This way there are no conflicts and interpretation issues.

**PROHIBITED LAND USES:**

- A. Uses not specifically modified and/or approved in this PMUD text or the Final Development Plan shall be prohibited.
- B. Outdoor storage of inoperable or unlicensed vehicles or trailers for a period exceeding seven (7) days in any calendar year is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C. No trailer of any type, boats, motor homes, or other recreational vehicles shall be parked in front of the front setback line on any parcel within this district for more than seventy-two (72) hours in any ten (10) day period. If a dwelling is located on said lot, the front setback line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum front setback line established by this code or the restrictions on the plat or subdivision.
- D. No motor home, mobile home, or camper of any type may be occupied.
- E. No mobile home shall be placed or occupied in the district.
- F. Except if approved by the Board of Trustees as part of the open space program for the subdivision, agricultural uses and/or activities are prohibited in subdivisions that meet the requirements of Ohio Revised Code §519.21(B). ~~Notwithstanding the foregoing, back yard gardens for household consumption are not prohibited.~~ (Move to permitted use.)
- G. No trash, debris or discarded materials that create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof.

H. Above ground swimming pools shall be prohibited. No spa/hot tub measuring more than fifty (50) square feet shall be constructed or maintained above the finished grade of the lot on which it is located.

I. Yard or lot perimeter fences are prohibited except as otherwise provided under the permitted uses section herein.

#### REQUIREMENTS FOR FIRE HYDRANTS AND SURFACE DRAINAGE:

All fire hydrant locations and spacing shall be in compliance with the West Licking Joint Fire District (WLJFD, see attached regulations). The Final Development Plan shall be developed with the WLJFD representatives' review and comment so that all concerns are addressed.

All surface drainage will be ~~handled~~ **designed** in accordance with the requirements of the OEPA and the Licking County Soil Erosion and Stormwater Regulations. The Phase II requirements for water quality and quantity control relative to site construction run-off as described in the NPDES permit will be adhered to.

~~Preliminary storm water calculations, sizing and design are depicted in plan exhibits, and are subject to adjustment based on the outcome of the zoning process and final regulatory and engineering approval by the Licking County Engineer's office.~~ Detention/Retention ponds must be designed to appear natural in character including planting on the edge and a naturalized shape. All storm water retention ponds shall be constructed by the developer and shall include the installation of a safety ledge within the ponds ~~as approved by the Licking County Engineer's Office and the Licking County Soil and Water Conservation District and/or in compliance with any adopted subdivision regulations.~~ A **operation and** maintenance plan for the ponds must be submitted as part of the final development plan and approved by the Board of Trustees. ~~All~~ **Storm water** ~~sewer~~ structures and storm water retention ponds **serving multiples parcels and/or allow for pass through drainage from adjoining parcels** shall be a part of ~~the~~ a drainage maintenance district per the Licking County Subdivision Regulations. Functional pond aeration/fountains sized at ½ HP per ¼ acre, or equivalent, shall be included in all retention ponds. Final Development Plan exhibits will detail locations of pond fountains and/or bubblers. The stormwater retention ponds, facilities, lines, structures and fountains/bubblers shall be maintained by the HOA.

LCPC Staff Comments: The agencies and regulations listed currently do not have regulations or standards that address a "safety ledge." Therefore, the township will need to include a standard in the PMUD zoning text. The following is a standard that can be used, from another community.

***Stormwater Pond Benches.*** *The perimeter of all pool areas greater than 4 feet in depth must be surrounded by two benches, as follows:*

- ***Safety Bench.*** *This is a flat bench located just outside of the perimeter of the permanent pool to allow for maintenance access and reduce safety risks. Except when the stormwater pond side slopes are 5H:1V or flatter, provide a safety bench that generally extends 8 to 15 feet outward from the normal water edge to the toe of the stormwater pond side slope. The maximum slope of the safety bench is 5%.*
- ***Aquatic Bench.*** *This is a shallow area just inside the perimeter of the normal pool that promotes growth of aquatic and wetland plants. The bench also serves as a safety feature, reduces shoreline erosion, and conceals floatable trash. Incorporate*



*an aquatic bench that generally extends up to 10 feet inward from the normal shoreline, has an irregular configuration, and extends a maximum depth of 18 inches below the normal pool water surface elevation.*

A cross section graphic that is properly dimensioned and labeled would be beneficial to be included to illustrate the concepts above.

#### **UTILITIES:**

~~Centralized water and sanitary sewer shall be extended/constructed with this development as required by Southwest Licking Community Water Sewer District, its successors and assigns.~~

All new utilities shall be underground except for telephone and cable pedestal and electric transformers. ~~All utilities shall be constructed in accordance with the engineering drawings approved by Licking County Engineer.~~

#### **Waterline:**

~~Water service shall be provided by the Southwest Licking Sewer and Water District through multiple connections to the existing water lines on the east and north sides of the site. Water line locations are depicted on preliminary plans.~~

#### **Sanitary Sewer:**

~~Sanitary sewer service shall be provided by Southwest Licking Sewer and Water District through connection(s) to existing lines on the north and east of the site or Fairfield County Utilities through connection(s) to existing lines to the south of the site. Sanitary sewer line locations are depicted on preliminary plans.~~

#### **Public Service:**

~~Fire and EMS service shall be provided by West Licking Joint Fire District and law enforcement shall be provided by the Licking County Sheriff.~~

Note: The open space area designations in this text and on development plans are subject to the allowance for the placement of utilities, utility crossings, storm water facilities, and tree plantings, along with ongoing maintenance as necessary but no build areas shall be restored after such placement and otherwise be kept in a natural state.

LCPC Staff Comments: Most of the above is application information and not a regulatory standard. Also, reference to the preliminary plan is not in compliance with the Ohio Revised Code as those documents follow the adoption of the zoning text and are reviewed in accordance with the zoning text. Ensure that standards are included in this section. A couple items above can be written as standards.

#### **DESIGN OF OPEN SPACES:**

The development includes open spaces consisting of 57.4 acres, being approximately 37% percent of the site. All open spaces and related amenities are to be owned by the HOA and conveyed by the developer to the HOA. The open spaces are intended for passive and active recreation and enjoyment of preserved natural features, as well as to establish and protect trees, wooded areas, wetlands and other natural features.

Exact tree stands, trees and natural locations to be preserved as no build/no disturb zones are to be delineated on final development plans as they are subject to such utility placement at the time of final engineering. In general, perimeter open spaces are left as natural and/or allowed to revert to natural areas. In general, internal open spaces between the backs of lots and portions of the entry and Palmer Road areas are to be fine mowed to allow turf areas for active recreation.

The improvements/amenities located within the open spaces shall be constructed at such time as the phase or section that includes each open space is developed and platted. These shall include the entry features and improvements along Palmer Road and other enhancements to multi-use paths or buffer areas depicted as plan exhibits.

After the completion of the development infrastructure, and subject to ongoing utility maintenance needs, the existing trees in common open space shall not be disturbed or removed except for dead or decayed trees that pose a danger to the health, safety and welfare of the public or homeowners.

**Perimeter Property Buffers:** The Palmer Road frontage treatment and the buffers provided to the existing housing developments to the east and south are depicted on plan exhibits. (Minimum 50-foot buffers/no build zones on the east, west and south property lines.) Perimeter open spaces are designed to provide buffers for neighboring properties and preserve trees and other natural features. Such perimeter areas and wooded acreages are to be enforced as “no build zones” by the HOA, subject to final engineering and utility locations, grading and storm and sanitary sewers placement and maintenance.

**Entry Features:** A conceptual or thematic community entry feature and design are depicted on attached entryway plans. Final design and details are to be provided at the time of the Final Development Plan.

**Amenity descriptions:** Open space is designed with both natural areas protection and enjoyment and for more active recreation along an extensive multi-use path system. Benches and shelter structures are included at strategic path locations as depicted on development plans to create areas of interest and respite

**Open Space per Section:** Open space shall be interspersed in each quadrant and development phase as depicted on plan exhibits. Once completed, each phase of the development shall include at least 25% of total open space to be accessible and useable to all residents within the development for recreational or passive use. Individual phases may have more or less open space, but must total a minimum of 37% upon project completion.

**Open Space to be Owned and Maintained by the Community HOA:** Open space provisions in this text and/or community homeowners’ association covenants and deed restrictions shall meet the requirements of the Zoning Resolution with regard to permanent ownership of open space, maintenance and intended uses. Such covenants shall restrict the Open Space to the uses specified in the PMUD Text and provide for maintenance of Open Space in a manner which insures its continuing use for its intended purpose. Prior to the open spaces being transferred to the HOA they will be maintained by the developer. The open spaces will remain as open space in perpetuity with effective protections and enforcement rights as reflected in covenants and deed restrictions, this text and/or included on plat commitments.

The developer shall form a homeowners' association to oversee and maintain the Open Space in accordance with Ohio Revised Code Section 5312. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the Development. Deed restrictions and covenants must be provided by the applicant with the PMUD Text associated with the residential Development and must be approved by the Board of Trustees to further regulate the intended use of the of the Open Spaces. Prior to the sale or occupancy of any residential home in the Development, deed restrictions and covenants for the Development must be recorded. Such covenants shall restrict the Open Spaces to the uses specified in the PMUD Text and provide for the maintenance of the Open Spaces in a manner which assures their continuing use for their intended purposes regardless of ownership.

**LCPC Staff Comment:**

The PMUD zoning text shall provide the criteria to make the above determination. Reference to the development plan is not in accordance with Section 519.021 of the Ohio Revised Code. These need to be rewritten and include standards the township can use to make determinations when reviewing a development plan proposal.

**PRELIMINARY TRAFFIC IMPACT ANALYSIS, ACCESS POINTS, VEHICULAR AND PEDESTRIAN CIRCULATION SYSTEM:**

Vehicular: Traffic impact information has been provided. The development will have two (2) vehicular access street connections to the north from Palmer Road. Internal street connections connect the development to the subdivision to the south across the Fairfield/Licking County boundary at Cape Code Way and Olde Poste Road, and to east at Faneuil Hall Road. A future stub street is provided to the west.

Pedestrian: The development consists of sidewalks on both sides of the street installed per county development standards where placed in rights-of-way or unless otherwise noted on the development plan. All sidewalks in the public right-of-way shall meet county subdivision regulations and standard designs. Notwithstanding the foregoing, along single-loaded or un-loaded streets in areas where multi-purpose asphalt paths exist, sidewalks shall be eliminated along said portions of such single-loaded or un-loaded streets. A six (6) foot wide multi-purpose asphalt path is depicted on development plans along Palmer Road for future east and west connection. Internal paths are shown on development plan exhibits and, along with sidewalk connections, allow pedestrian access to open spaces throughout the site. All sidewalks in the front or side of homes shall be maintained by the individual lot owners. Sidewalks and paths that are adjacent to or located within open spaces shall be maintained by the homeowners' association. Streets, sidewalks and traffic control shall conform to Licking County Standards. All sidewalks shall be 5' in width and ADA compliant.

**LCPC Staff Comment:**

This text is a description of the development plan document with minimal standards. The PMUD zoning text shall provide the criteria to make the above determination. Reference to the development plan is not in accordance with Section 519.021 of the Ohio Revised Code. This section need to be rewritten and include standards the township can use to make determinations when reviewing a development plan proposal, such as where pedestrian paths shall be located, when they shall be required, the design, etc.

## SIGNAGE

Signage shall be provided at the entrances from Palmer Road and shall conform to article 12 of the township zoning resolution. Signage provided at the entrance from Palmer Road shall be for the purpose of identifying the, to-be decided, name of this Hagy development.

## DESIGN STANDARDS FOR THE DEVELOPMENT, LOT STANDARDS AND HEIGHT

- ~~Single-Family Phases~~ ~~84.28 ac; 209 Total Lots~~  
~~60' x 140' (minimum)~~
- ~~Patio Homes Phases~~ ~~69.22 ac; 167 Total Lots~~  
~~55' x 135' (minimum)~~

### LCPC Staff Comment:

The number of lots would be determined by the formulas noted in the density section. This section needs to include standards for the lots. The above is a description of the development plan that is not part of the zoning text amendment.

- Lot Size
  - Minimum Lot Width (at the Building Line) 60' (SF Homes)/55' (Patio)
  - Minimum Lot Areas 8,400 square feet (SF Homes)  
7,425 square feet (Patio Homes)
- Building Setbacks
  - Front (Building Line) Varied with 15' minimum and 30' maximum for Single-Family and 15' minimum and 25' maximum Patio Homes\*

\*Front setbacks are intended to vary and in addition, where a home contains a front porch that extends beyond the foremost front facade of the home, such front porch area may encroach the front setback, but in no event shall a porch or structure be closer than 15' from the right-of-way line.

### LCPC Comment:

See section

- Minimum Side Yard 6.0' each side for 12' total between Homes ~~with 1' encroachment allowance~~

### LCPC Comment:

The 1' encroachment leaves a 5' side yard setback. To be clear and not create confusion, just list what is intended. Additionally, encroachments conflict with Section 1010 Architectural Projections in the Supplementary District Regulations, which also apply.



- |                           |  |
|---------------------------|--|
| - Minimum Rear Yard       | 30' Single Family and Patio Homes lots     |
| • Minimum Home Size       |  |
| - One-story               | 1,200 square feet (excluding garage)       |
| - Two-story               | 1,700 square feet (excluding garage)       |
| • Maximum Lot Coverage    | 45% for Single-Family, 60% for Patio Homes |
| • Maximum Building Height | 35 feet                                    |
| • Driveway Setback        | 3 feet minimum                             |

LCPC Staff Comment:

See also the “Proposed Lot Standards” discussion in the LCPC staff report.

## ARCHITECTURAL CRITERIA

### Architectural Standards:

- Exterior Finishes for all Homes: All homes shall have exterior finishes consisting of brick, stone, cultured stone, wood, stucco cementitious fiber siding, Hardie Plank and vinyl siding with a minimal nominal thickness of 0.40 gauge.

LCPC Staff Comment:

The township does not have authority to regulate exterior building materials. Section 519.02 of the Ohio Revised Code states:

*“Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board by resolution, in accordance with a comprehensive plan, may regulate the location of, set back lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, **and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the township.**”*

It has been determined that the township can require the exteriors to have the appearance of brick, stone, wood, etc. But it cannot specify the materials themselves.

- Exterior Paint Colors: Earth tones and neutral colors shall predominate as the overall color scheme for the homes, and on exteriors for the siding, doors, shutters, facias,

cornices, soffits and miscellaneous trim, however, accent colors that are complementary and/or are part of an overall architectural style shall also be permissible.

- Porches: Front porches shall be encouraged, but not required on the homes based on their architectural style.
- Chimneys: Direct vent and cantilevered chimneys are permitted as well as wood burning fireplaces with a foundation. ~~All chimneys shall be constructed of exterior finishes allowed by the home.~~ All chimneys shall have the appearance of brick, stone, list other..... See also first bullet above.
- Windows: Windows located on all four sides of the house must be treated in the same manner as the windows at the front of the house. All windows shall be traditional single, fixed, double hung or casement style.
- Shutters: Exterior shutters may be solid paneled (raised panel) or louvered and have a color pattern that is consistent and harmonious with the accent colors and style of home when utilized.
- Garages: All homes shall have a minimum of two (2) car attached garage. All homes will have a minimum of four (4) parking spaces on each lot, two (2) within the garage and two (2) in front of the garage.
- Shingles: All homes shall have three-tab or dimensional type asphalt shingles.
- Skylights and Roof-top Solar Panels: Skylights in the roof and roof-top solar panels are permitted provided they are not located at the front façade of the home and are not visible from the street. ~~Such panels may be further restricted by the homeowners' association documents and/or rules.~~
- Gutters and Downspouts: Gutters and downspouts may be constructed of extruded aluminum. All drainage from the gutters and downspouts shall be underground and either taken to the street or other drainage facilities subject to the approval of Licking County. Walkouts may have rear downspouts which drain to the rear yard swales.

Mailboxes: Central mailbox locations shall be incorporated into the development plan in available open space or other locations as may be incorporated into the site and as generally depicted on the Final Development Plan, subject to postal regulations.

#### LCPC Staff Comment:

Instead of “Central Mailbox” continue to use the term “Cluster Mailbox” as used elsewhere in the zoning text and in the USPS Guidelines. Also, remove reference to the Final development plan and provide standards for locations. Such as X number feet from an intersection, cross walk, mid-block crossing, or driveway so not to interfere with the visibility and function of the intersection, crosswalk, mid-block crossing or driveway.

- House Numbers: House numbers shall be located consistently throughout the development, clearly on the front of the homes (or on attached garages) and in a location readily visible from the street.

**LCPC Staff Comment:**

It is suggested the above bullets are converted to numbers or letters for ease of reference. Other subsections such as Windows, Shingles, Gutters and Downspouts need to be revised so that materials are not specified. See also bullet number 1.

## **PHASING PLANS**

The project shall be phased, with size and location of phases to be determined during the Final Development Plan process. The development will be constructed in multiple phases with the first phase (or phases) to be located along Palmer Road. The developer anticipates moving forward with the first two phases in 2021 and subsequent phases will be developed based on market conditions. A conceptual phasing plan has been included as part of the zoning application exhibits, however such phasing plan may be adjusted based on final engineering requirements and the location and numbers of lots in any phase may be adjusted accordingly. Additionally, such sections or phases of the development may be “sub-phased” from time to time so as to allow smaller phases of development to occur based on market conditions and demand. Any existing structures, including houses or barns and their associated improvements, such as walkways and driveways, shall be removed in the future as phases are developed; said existing structures and homes may remain until such time as it is necessary for removal based on development. All existing septic and wells will be abandoned per the regulations of the Licking County Department of Health.

**LCPC Staff Comment:**

Most of this text is a application description and not a regulatory standard. The last two sentences regarding the removal of existing structures could be written as a regulatory standard. Include standards that will allow the township to determine phasing, and ensure certain elements are provided in each phase. Such as each phase shall have (X) amount of dedicated open space, Cluster Mailboxes, etc. An exception shall be made for phases where a prior phase or phases have sufficient excess acres of open space or mailboxes that the regulatory amount for the previous phase or phases and the current phase are met.

## **STREET TREES AND LANDSCAPING**

Street Trees: Deciduous, broad leaf street trees are provided with a minimum caliper of two (2.0) inches at planting and planted one for every lot along street areas where houses are present, with two trees planted for each corner lot, and planted and spaced appropriately on streets where homes are not present. Trees shall be selected from the Licking County Subdivision Regulations at Appendix XXVI, List of Acceptable Street Trees. Street Trees shall be planted in accordance with the Etna Township Street Tree Policy. Tree lawns located within the street right-of-way between the edge of pavement of the street and the street right-of-way shall be maintained by the contiguous lot owner. Tree lawns will be planted with grass.

Naturalistic tree/ landscape planting shall be provided along Palmer Road. All landscaping shall comply with Article 16 of the resolution (Buffering, Landscaping, and Resource Preservation) and is depicted on Landscape Plan exhibits.

Retention Ponds and multi-use paths shall have a naturalistic tree planting around them as generally depicted on the Landscape Plan exhibits. Pond and path trees may be grouped naturally as designed in Final Development Plan. Front yards, and all improved open spaces or non-residential use areas shall be landscaped under a plan developed as part of the Final Development Plan. (see Exhibit G for typical lot.)

#### LCPC Staff Comment:

Provide standards that would achieve what the township believes is a “naturalistic” tree/landscaping planting. This description is arbitrary and not enforceable. To some a single oak tree in the middle of a grassed field would be a “naturalistic planting,” while others would expect to see a more-dense wooded area with a mix of tree species, vegetation heights, and with canopy and understory plantings. As written it is very subjective and open to interpretation. Therefore, standards are needed. Example images would also be beneficial.

### **STREET LIGHTING**

Street Lights: If required by the Township, street lighting must be of white light, maximum height twenty (20) feet, with fully shielded downward cast lighting.

Entry lighting: Low-voltage shielded up-lighting may be located within entry reserves as accent lighting for the entry sign and landscaping.

Exterior Home Lighting: Low-voltage shielded up-lighting may be used on the exterior of the home and landscaping as accent lighting. Outdoor lighting for safety, security and walkways to and from the home shall be cut-off shielded down-lighting

#### General LCPC Staff Comment:

Multiple spelling and grammar errors were observed in the text. Ensure the text is reviewed for spelling and grammar before the final version is submitted and adopted.

## ZONING – TEXT AMENDMENT

2020-008-Z

### Etna Township Zoning Resolution

-Agricultural District (AG) to Planned Mixed-Use  
Development District (PMUD)

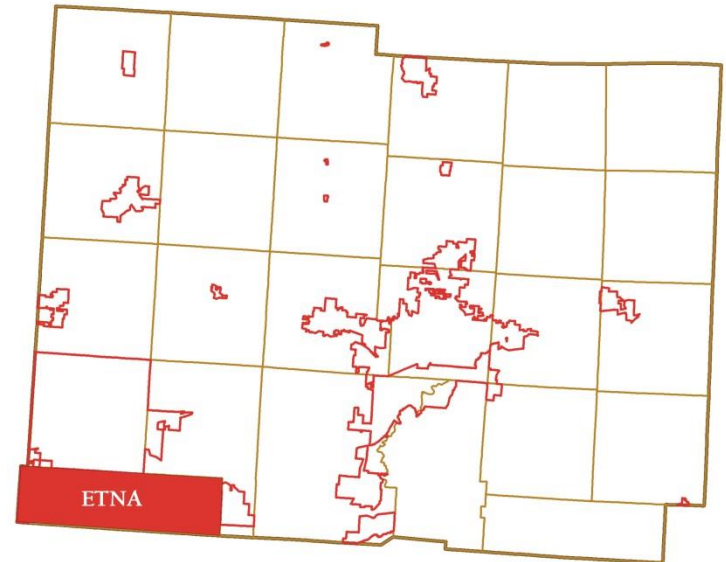
Palmer Road, Auditor's Parcel #s:

- 010-017262-00.000/106± acres
- 010-017268-00.000/10± acres
- 010-016860-00.000/38± acres

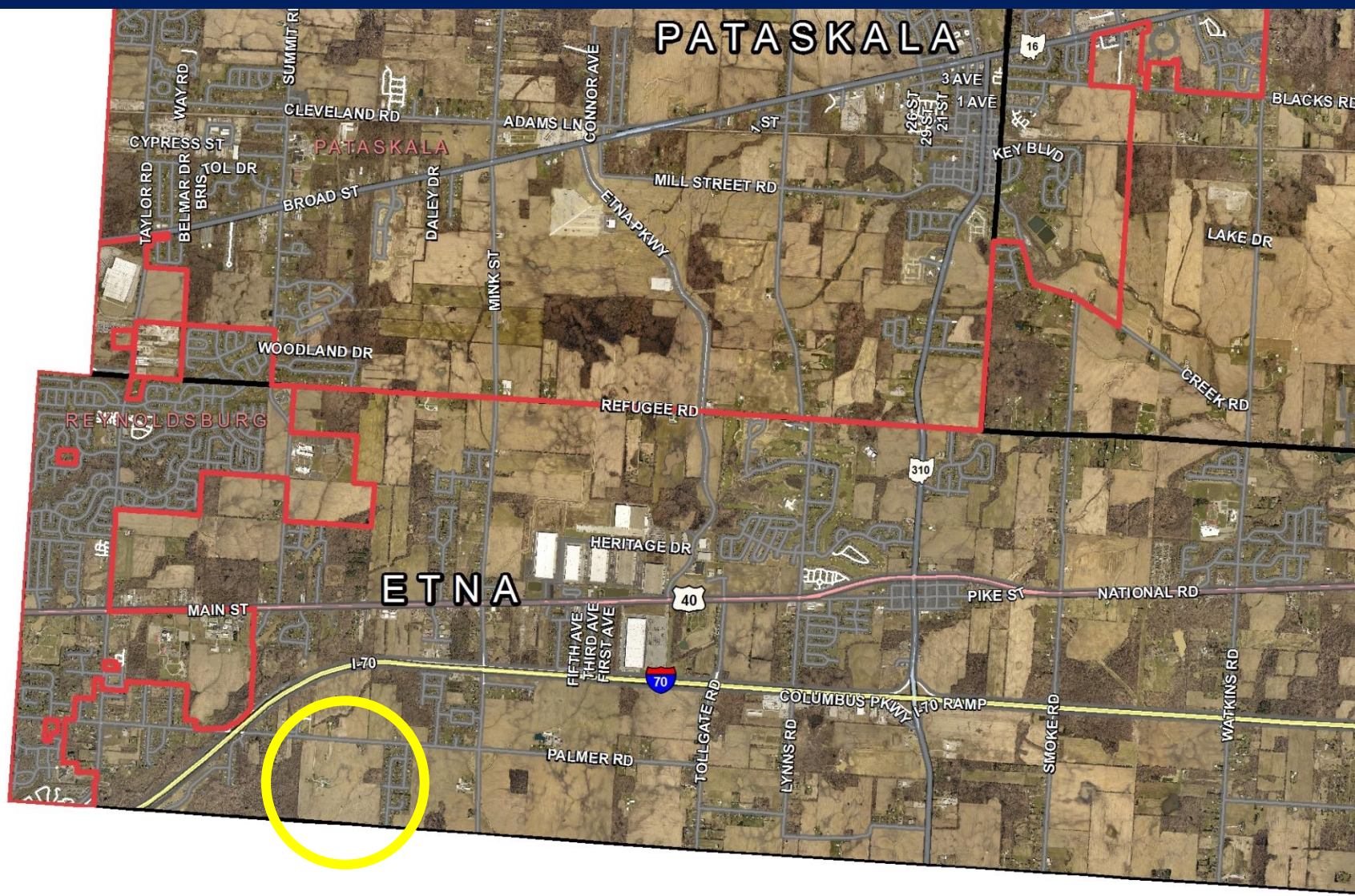
## APPLICANT

Etna Township Zoning Commission

(Application to Etna Township from Pulte  
Homes of Ohio, LLC [developer] on behalf of  
Charles Hagy [owner])







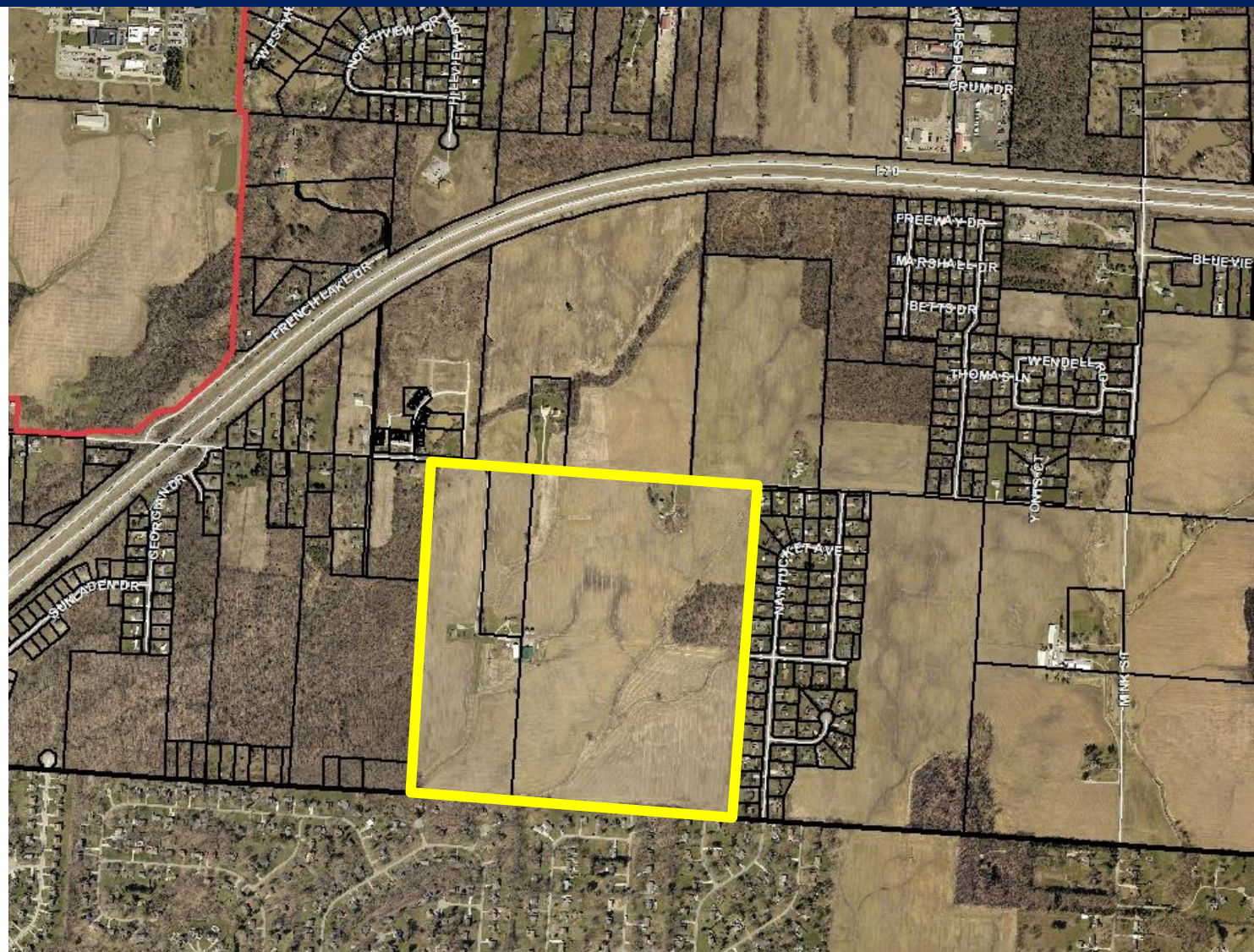
## RECOMMENDED CONDITIONS OF APPROVAL

1. Develop a zoning text that is a stand-alone document that provides sufficient and reasonable standards, that are within the zoning authority of Etna Township that allows the township to review ANY development plan proposal and regulate the land use once development is constructed.
2. Remove references and descriptions of the development plan as regulatory and design standards. In place of the plan, including exhibits in the zoning text that identify use zones, preservations area on the site, or other exhibits that are general and not specific to the development plan submitted with the text. This will allow the township to apply the concepts to ANY development plan that is being reviewed after the effective date of the adopted zoning text. It will also allow the township to manage uses and changes within the development initiated by property owners after the developer has completed the project and is no longer involved.
3. Align the lot standards and size with the character of the area and the comprehensive plan.
4. Consider the comments and recommendations in this report and the LCPC staff Comments in the attached "Hagy Property Planned Mixed-Use Development District (PMUD) Zoning Text Amendment June 8, 2020."





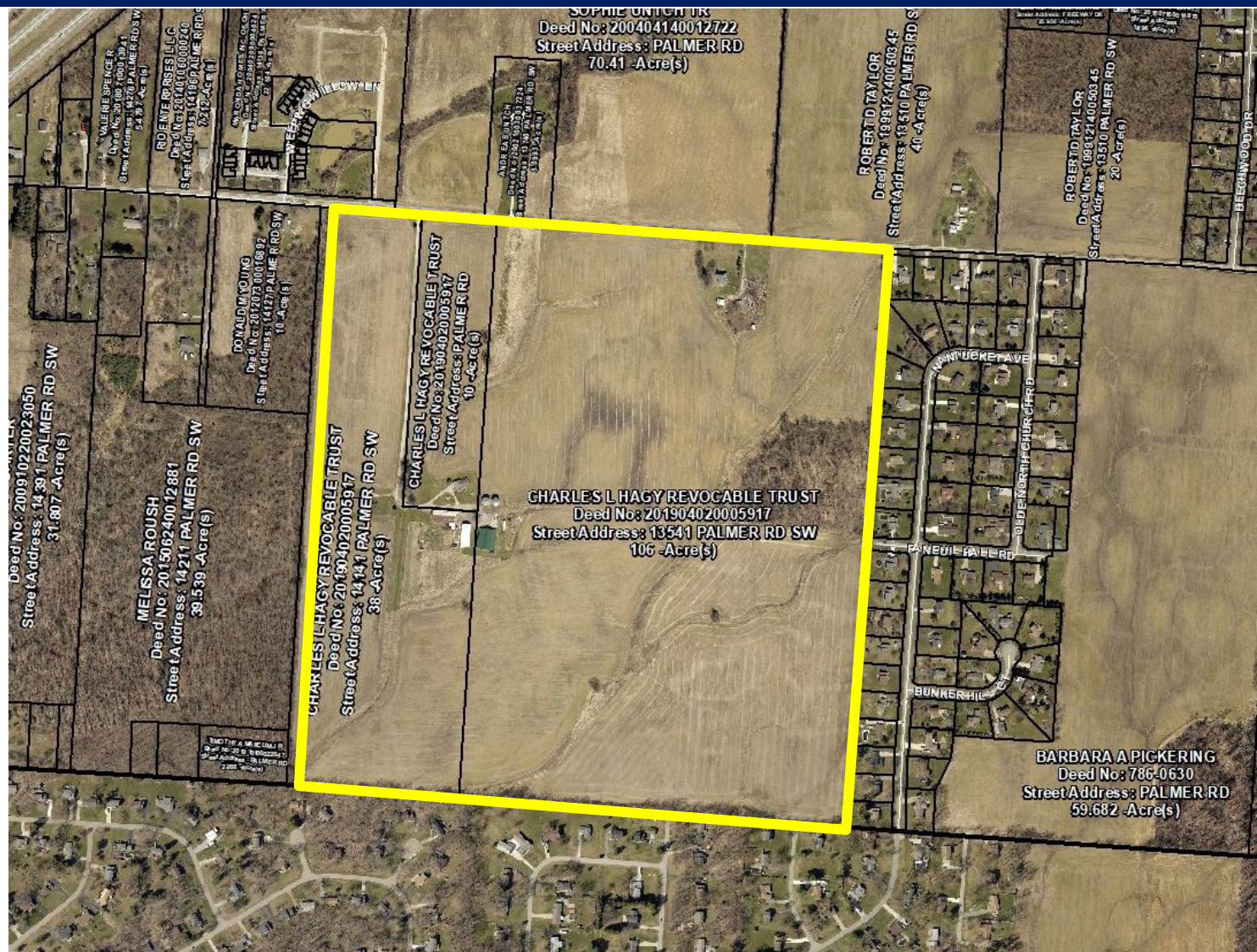
 Area Proposed  
To Be Rezoned



AREA MAP



 Area Proposed  
To Be Rezoned



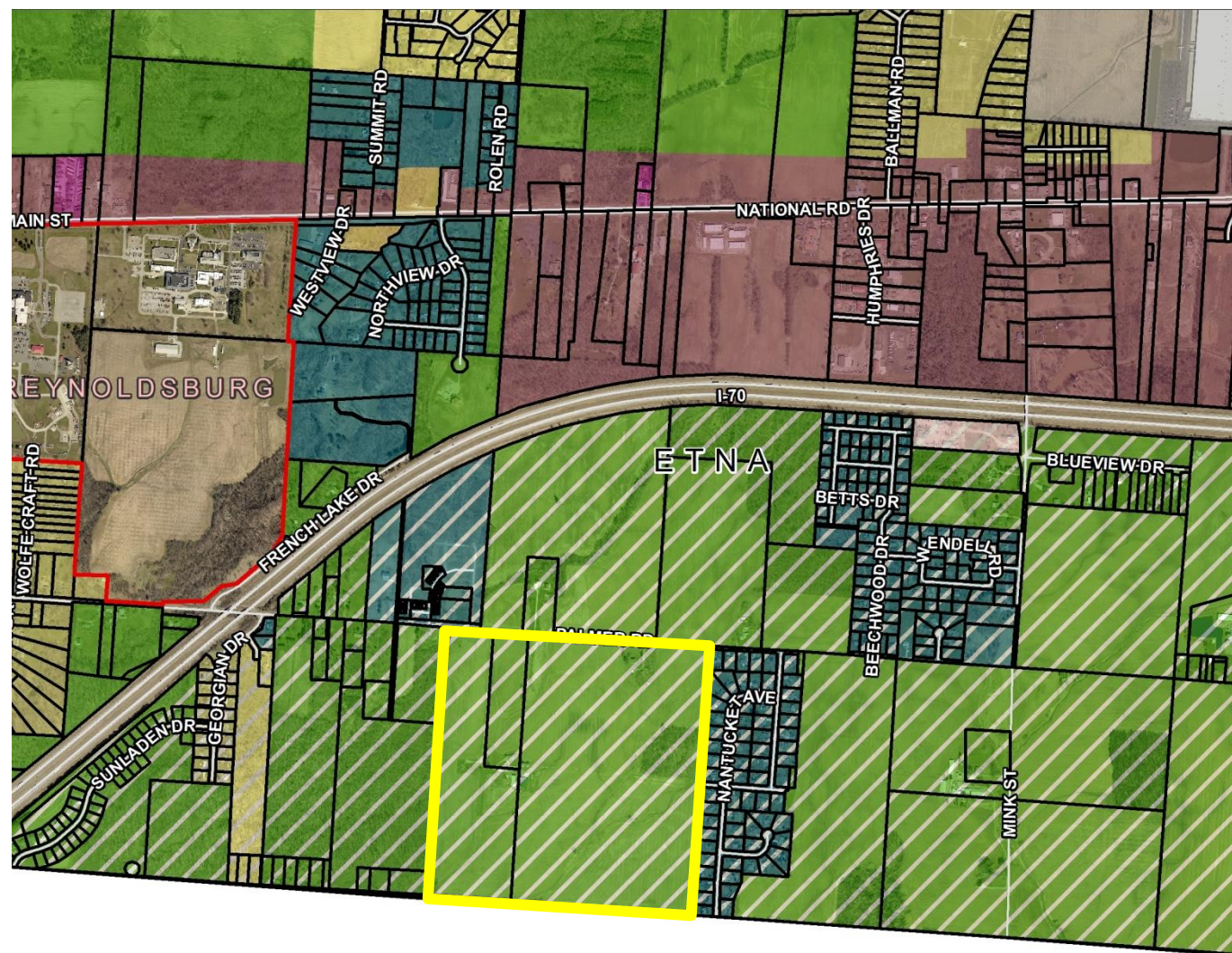
AREA MAP



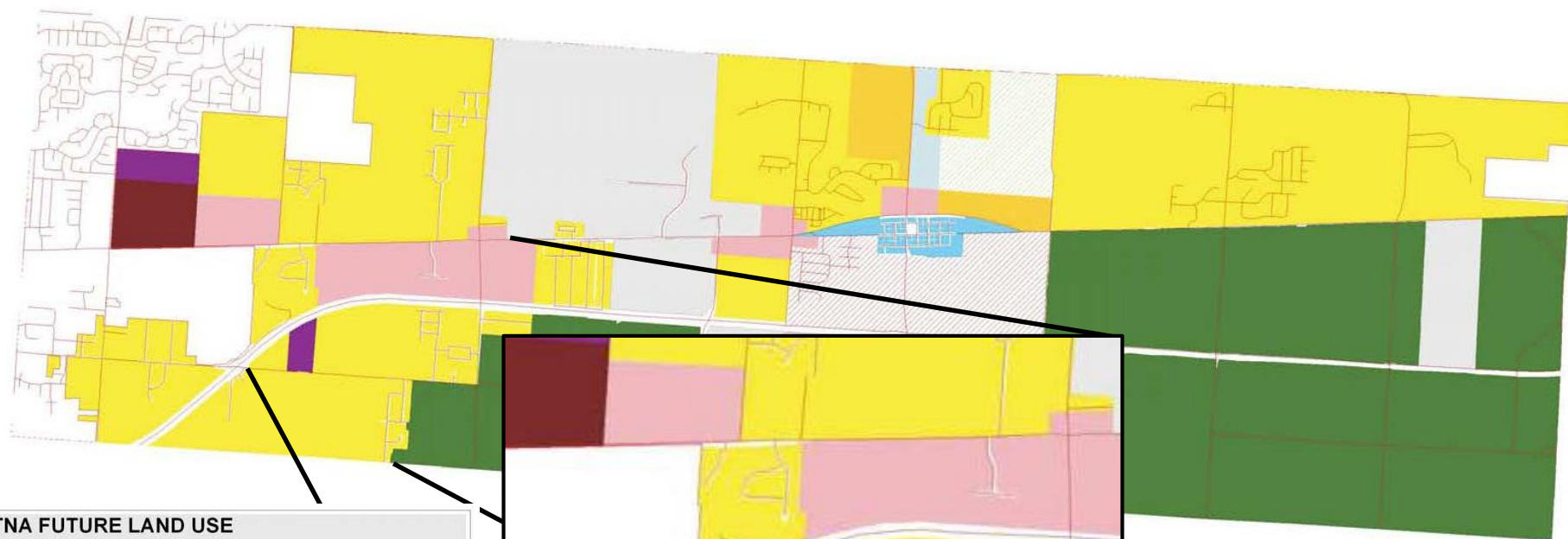
**Parcel To Be Rezoned**

**Zoning Districts**

- AB, Accommodation Business District
- AG, Agricultural District
- GB, General Business
- GB-1, General Business
- LB, Local Business District
- M-1, Light Manufacturing District
- M-2, General Manufacturing District
- MHP, Manufactured Home Park District
- PRO, Professional-Research-Office District
- PUD, Planned Unit Development
- R-1, Low Density Residential District
- R-2, Medium-Low Density Residential District
- RS, Residential Single Family
- SER, Suburban Estate Residential District
- PMUD, Planned Mixed-Use Development District
- PRCD, Planned Residential Conservation District

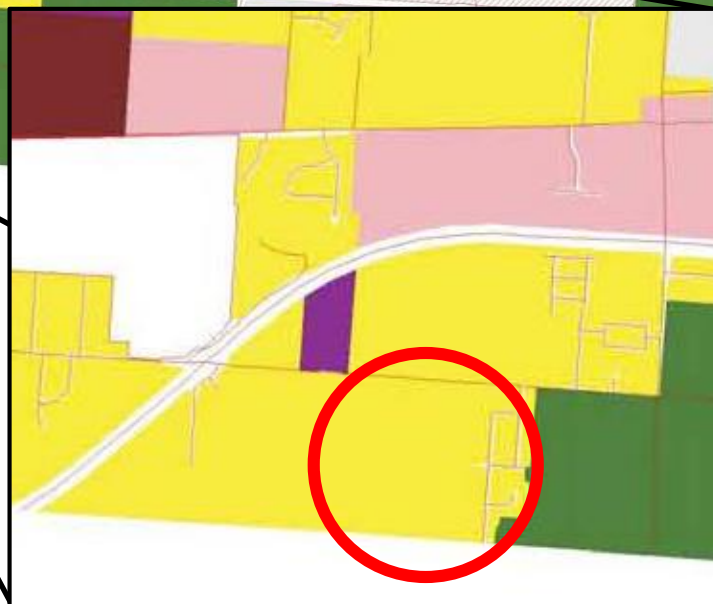


**ZONING AREA MAP**



**ETNA FUTURE LAND USE**

- AGRICULTURAL
- LOCAL COMMERCIAL
- RESIDENTIAL
- HIGH DENSITY COMMERCIAL
- MULTI FAMILY RESIDENTIAL
- INDUSTRIAL/MANUFACTURING
- TRADITIONAL URBAN
- MIX USE - PRO/CONSERVATION SUBDIVISION
- MIX USE - LOCAL COMMERCIAL/CONSERVATION SUBDIVISION
- CONSERVATION SUBDIVISION
- GATEWAY MIX USE



## FUTURE LAND-USE MAP



Standard	AG	RS	R2	PRCD	PMUD Patio Home	PMUD Tradition al Home
Lot Area	217,800 Sq. Ft.	14,520 Sq. Ft.	32,670 Sq. Ft.	12,000 Sq. Ft.	7,425 Sq. Ft.	8,400 Sq. Ft.
Lot Width	250'	70'	80'	80'	55'	60'
Setbacks						
Front	40'	25'	30'	40'	15' Min & 25" Max **	15' Min & 25" Max **
Side*	30'	12'	15' one side and 10' the other.	15'	6' ***	6' ***
Rear	40'	25	30'	30' dwelling 15' accessory structure	30'	30'
Structure Height	35'	35'	35'	35'	35'	35'
Structure Bulk	1,800 Sq. Ft. ****	1,500 Sq. Ft. ****	1,600 Sq. Ft. ****	1,100 Sq. Ft.	One-Story = 1,200 Sq. Ft. and Two-Story = 1,700 Sq. Ft. *****	One-Story = 1,200 Sq. Ft. and Two-Story = 1,700 Sq. Ft. *****
Maximum Lot Coverage	N/A	N/A	N/A	30%	60%	45%

AG to PMUD Patio Home	AG to PMUD Traditional Home
97% decrease in lot area	96% decrease in lot area.

RS to PMUD Patio Home	RS to PMUD Traditional Home
48% decrease in lot area	42% decrease in lot area.

AG to PMUD Patio Home	AG to PMUD Traditional Home
97% decrease in lot area	96% decrease in lot area.

R2 to PMUD Patio Home	R2 to PMUD Traditional Home
77% decrease in lot area	74% decrease in lot area.

PRCD to PMUD Patio Home	PRCD to PMUD Traditional Home
38% decrease in lot area	30% decrease in lot area.

## LOT STANDARD COMPARISONS



## Lot Size Comparison with New England Acres, Russel Heights, and the Preserve at Haaf Farms Comparison

	New England Acres	Russel Heights	The Preserve at Haaf Farms	PMUD Patio Home	PMUD Traditional Home
Lot Area	24,765 Sq. Ft.	14,000 Sq. Ft.	13,500 Sq. Ft.	7,425 Sq. Ft.	8,400 Sq. Ft.
Lot Width	127'	100'	90'	55'	60'

## Density Comparison

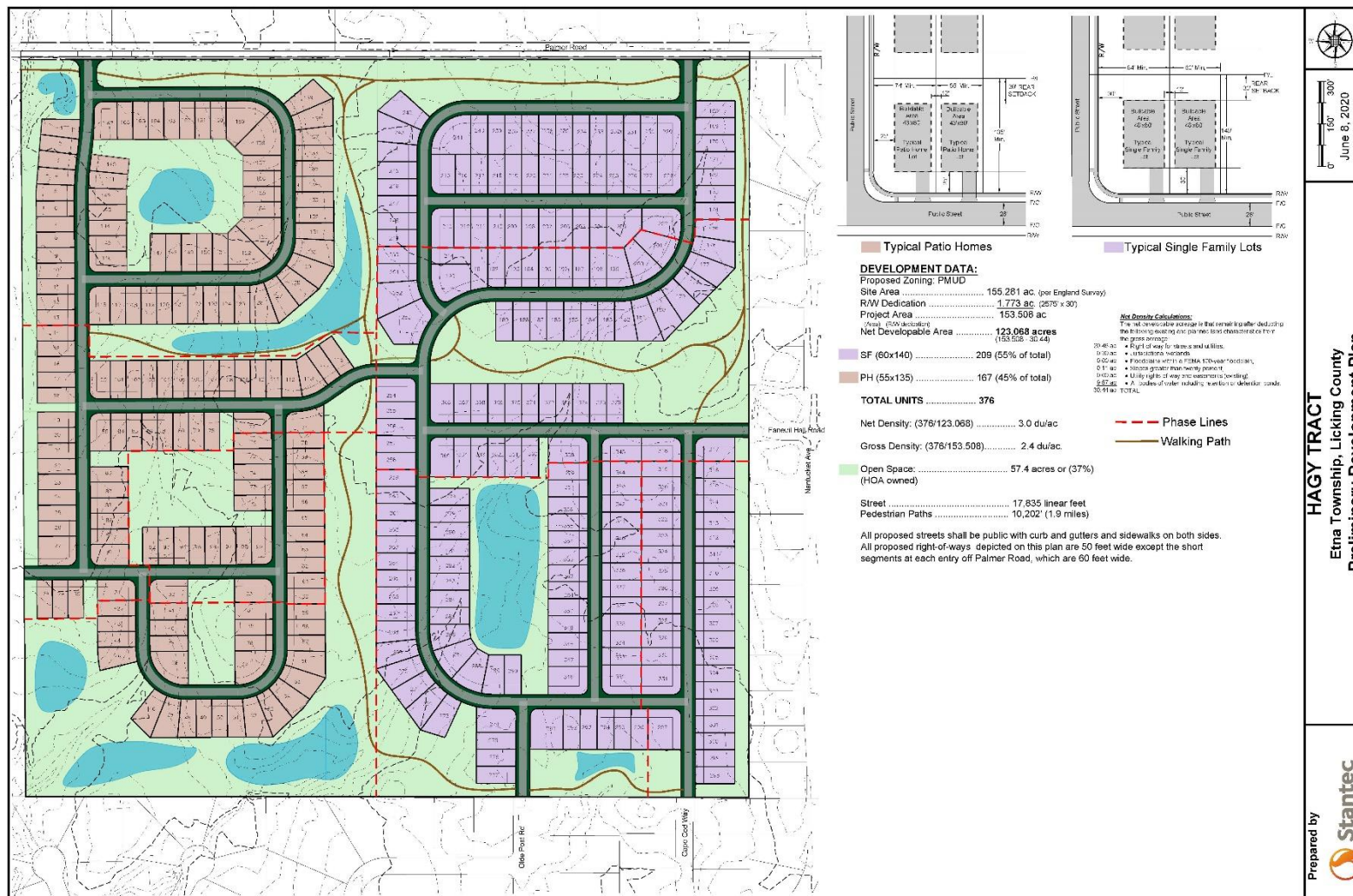
	AG	RS	R-2	PRCD	PMUD
Unit per lot*	1 unit	1 unit	1 unit	1 unit	2.4
Number Lots Permitted**	12	17	27	211	376

## Dwelling Unit Square Footage Comparison

Standard	AG	RS	R2	PRCD	PMUD Patio Home	PMUD Traditional Home
Structure Bulk	1,800 Sq. Ft.	1,500 Sq. Ft.	1,600 Sq. Ft.	1,100 Sq. Ft.	One-Story = 1,200 Sq. Ft. and Two-Story = 1,700 Sq. Ft.	One-Story = 1,200 Sq. Ft. and Two-Story = 1,700 Sq. Ft.
Percent of Lot Covered by Unit	.8%	10%	5%	9%*	One Story = 16% and Two Story = 22%**	One Story = 14% and Two Story = 20%***



## LOT STANDARD COMPARISONS



# PROPOSED DEVELOPMENT PLAN



## RECOMMENDED CONDITIONS OF APPROVAL

1. Develop a zoning text that is a stand-alone document that provides sufficient and reasonable standards, that are within the zoning authority of Etna Township that allows the township to review ANY development plan proposal and regulate the land use once development is constructed.
2. Remove references and descriptions of the development plan as regulatory and design standards. In place of the plan, including exhibits in the zoning text that identify use zones, preservations area on the site, or other exhibits that are general and not specific to the development plan submitted with the text. This will allow the township to apply the concepts to ANY development plan that is being reviewed after the effective date of the adopted zoning text. It will also allow the township to manage uses and changes within the development initiated by property owners after the developer has completed the project and is no longer involved.
3. Align the lot standards and size with the character of the area and the comprehensive plan.
4. Consider the comments and recommendations in this report and the LCPC staff Comments in the attached "Hagy Property Planned Mixed-Use Development District (PMUD) Zoning Text Amendment June 8, 2020."

