



Zoning Text Amendment

Westfield Township

Meeting: August 2, 2017
Applicant: Westfield Township Zoning Commission
Hearing: TBA (Zoning Commission)
Amendments: Create a new zoning district-Section 308 East Greenwich Overlay District
Reviewer: Susan Hirsch

Proposed Amendments: The entire East Greenwich Overlay District is new; Staff Comments are *red and in italics*.

Article III DISTRICT REGULATIONS

308	East Greenwich Overlay District	page
	A. Purpose	1
	B. Effect of the East Greenwich Overlay District	1
	C. Area of the East Greenwich Overlay District	1
	D. PRD Planned Residential District	2
	E. OIPD Office/Industrial Park District	7
	F. Procedures for Application, Review, and Approval of Planned Development	13
807	Site Plan Review	20

308 East Greenwich Overlay District

A. Purpose. The purpose of the East Greenwich Overlay District is to encourage residential and office/industrial development in the East Greenwich Road area consistent with the recommendations of the Westfield Township Development Policy Plan by providing development alternatives not currently available in the existing zoning districts.

B. Effect of the East Greenwich Overlay District.

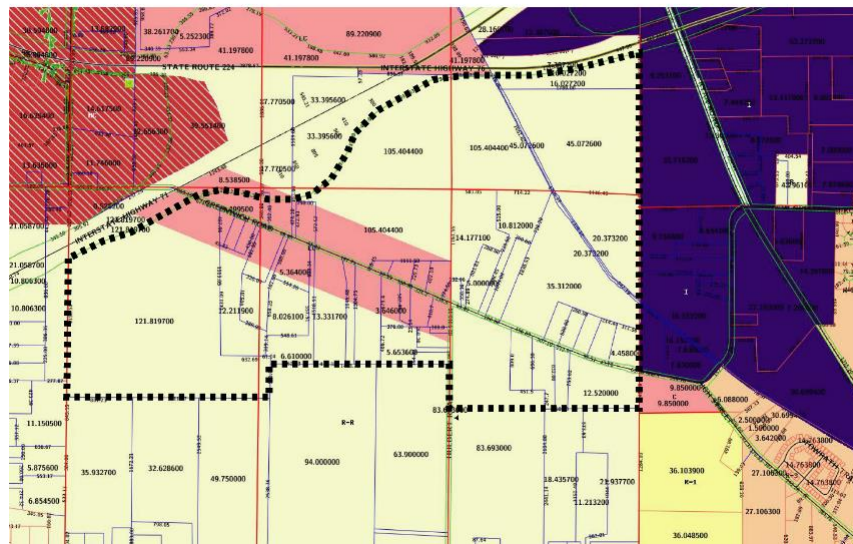
1. This Article III, Section 308 establishes the area of the East Greenwich Overlay District and the planned unit development regulations set forth herein for Office/Industrial Planned Development (OIPD) or for Planned Residential Development (PRD) which may be effective on specific properties within the District at the election of property owners and with the approval of the Township.
2. The regulations in effect in the zoning districts currently designated within the Overlay District area shall continue to be in effect on properties within the Overlay District until the owner(s) of property(ies) apply for an OIPD or PRD and the Township approves as provided in this Article.

East Greenwich Overlay District
24 March 2017

C. Area of the East Greenwich Overlay District.

The Overlay District includes the properties located within the area of Westfield Township illustrated/described below:

(an exhibit such as at right should accompany the zoning amendment legislation – the



Township Zoning Map should then be amended to reflect the Overlay District)

Intended locations for the Planned Residential District and the Office Industrial Planned Development within the East Greenwich Overlay District may be clearer if indicated on this map.

D. PRD Planned Residential District

1. Purpose. The purpose of the PRD is to provide locations for planned residential developments within the East Greenwich Overlay District.
2. Qualifying Conditions for Planned Residential Development.
 - a. Only property (a lot or lots) located within the East Greenwich Overlay District may be approved for a PRD, and may include property within the area of the Overlay District currently designated in the LC Local Commercial District.
 - b. Property proposed for a PRD shall:
 - I. Total at least ten (10) contiguous acres exclusive of existing public rights-of-way
 - II. Have access to an existing improved public road and frontage thereon of not less than sixty (60) feet.
Frontage was reduced from 100 feet to 60 feet. This would allow for a road, but not a lot.
 - III. Not be divided by existing public roads or other areas which limit use for purposes of the PRD.
 - c. The land for which a PRD application is submitted must be in single ownership or the subject of an application filed collectively by all owners of the properties intended to be included within the

PRD. All land included within a PRD shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants shall present firm evidence, at the time of application, of unified control of the entire area within the proposed development.

3. Standards for PRD

a. East Greenwich Road Frontage Design Standards.

I. Vehicular access to and from properties in a PRD shall be provided by a limited number of new access roads intersecting with East Greenwich Road as approved in the Final Development Plan.

II. Direct access to and from East Greenwich Road from a lot with frontage thereon shall only be permitted where it is found that it is **not feasible to provide access** for that lot from approved new access road(s).

What is needed to find that access to a new approved access road is not feasible?

b. Common Open Space Required

I. Definition. For purposes of the PRD requirements, "common open space" is defined as an area of land and/or water designed and reserved for use and enjoyment by the owners and guests of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for noncommercial uses which are educational, recreational or cultural.

II. General Standards. Common open space shall be located and designed to comply with the following standards:

- Be sufficiently aggregated to create large areas of planned open space;
- As a priority, conserve significant natural topographic and landscape features to the extent practicable (including but not limited to steep slopes, wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented areas)
- May provide outdoor active or passive recreation accessible to the residents of the proposed development, but shall not be used for organized large field sports, such as football, baseball, or soccer fields. Any open space intended to be devoted to recreational activities shall be of a usable

size and shape for the intended purposes. Recreation areas shall be provided with sufficient parking and appropriate access.

- Be not less than fifty (50) feet in width at any point;
- The preferred features of required open space, as appropriate for the conditions of a specific PRD include: centrally located; located along the street frontages of the development to enhance appearance of the development and the surrounding area; located to preserve significant natural features; and/or located to interconnect other open spaces throughout the development or on contiguous properties.
- If the site contains a lake, stream or other body of water, the Township may require that a portion of the required open space abut the body of water.
- Protection of Open Space. Open space shall be prohibited from further subdivision or development and required to remain in its natural state or as otherwise approved in the development plan. Protection of open space shall be accomplished by means provided in the Medina County Subdivision Regulations, including but not limited to the creation of dedicated blocks and/or easements.
- Maintenance of Open Space. Maintenance of open space shall be addressed in the documents establishing the owners' association and their responsibilities, or those of other approved legal entities, as provided in the Medina County Subdivision Regulations.

III. Minimum Required Open Space Area. At least twenty percent (20%) of the total land area of the PRD shall be designated and used as common open space. To promote usable open space, at least seventy-five percent (75%) of the minimum required open space shall be land (which may include wetlands) and not more than twenty-five percent (25%) of the minimum required open space may be open water (which may include natural or man-made lakes, ponds, and wet retention facilities)

20% of the total land area for open space appears low. The Planned Development requirements of Section 606 A. 29 c. 5 specify a minimum of 30% for open space.

Land area devoted to the following shall not be included as meeting the open space requirement:

- Proposed new or existing public rights-of-way.
- Parking areas, access drives, common drives and driveways, except as otherwise permitted to provide access to the open space.
- Required setbacks for buildings and parking areas from the project boundaries, and public roads, unless the required setback is contiguous to and part of a larger area of common open space.
- Required spacing between buildings, such as in clustered areas without lots or condominiums, and parking areas.
- Private yards within subdivided lots.

c. Infrastructure Required

- I. Subdivision Improvements. All areas of a PRD shall be developed within a Major Subdivision as provided by the Medina County Subdivision Regulations.
- II. Public Utilities. The applicant for a Planned Development shall demonstrate the availability of public water and public sanitary sewer with sufficient capacity to serve the proposed development or the suitability of proposed lots for on-site septic systems conforming to applicable regulations. The applicant shall demonstrate the capacity to finance and construct any necessary off-site improvements including but not limited to sanitary sewers, water lines, road improvements and capacity upgrades, and storm water management facilities.
- III. Public Roads. The platting and construction of public roads shall be encouraged for access to all residential development. Where public road frontage is not required for uses such as clustered dwellings, attached dwellings, senior apartments, assisted living and nursing home facilities, all dwellings shall be located with adequate access to and not more than 600 feet distant from a public road.
- IV. Pathways for bicycles and pedestrians shall be incorporated throughout the planned development and along all existing and new streets to ensure connectivity between uses, common open spaces, and with adjacent properties. Sidewalks shall be installed on both sides of public roads and on private roads as determined in site plan review.

It appears from the above wording that both pathways for bicycles and pedestrians, and sidewalks must be installed along both sides of all roads. Although staff encourages the use of multi-modal paths in planned development, this may be excessive.

- d. Owners Association Required. An owners' association shall be created as provided in the Medina County Subdivision Regulations.

4. Specific Standards for PRD Uses

a. Permitted Uses

- I. Single-family dwelling as defined in this Zoning Resolution, located on an individual lot with frontage on a public road.
- II. Clustered single-family dwellings which may be located on individual lots or together on a common lot.
- III. Attached single-family dwellings, provided that no part of one dwelling shall be located above or below any part of another dwelling.
- IV. Senior apartment dwellings, in buildings containing not more than 24 units and not higher than three stories and units individually rented or leased to households having at least one individual aged 55 years or older.
- V. Assisted living facility, nursing home.
- VI. Public park

- b. Accessory uses and structures, signs, and parking shall be subject to the provisions of this Zoning Resolution applicable to such uses when located in the SR Suburban Residential District unless other specific standards are established in approval of the Development Plan.

c. Dwellings

I. Standards for Permitted Dwelling Types

Dwelling Type		Minimum Unit Setback *	Minimum Yards (feet)		
			Front	Side	Rear
Detached single family - with sanitary sewers and public water	Minimum lot 12,000 square feet, minimum lot width 80 feet, minimum lot depth 125 feet	40	40	10	40
Detached single family - without sanitary sewers and public water	Minimum lot 1.0 acre or as required by Medina County Health Dept. whichever is larger, minimum lot width 100 feet	60	60	20	50
Attached single family	Maximum four (4) units may be attached in one building. Minimum Building separations: 25 feet between sides, 50 feet rear to rear and rear to side.	25	25	na	25
Clustered	Detached cluster	25	25	na	25

Dwelling Type		Minimum Unit Setback *	Minimum Yards (feet)		
			Front	Side	Rear
Single family detached	dwelling 1.0 or 1.5 stories in height shall be separated at least 15 feet; dwellings 2.0 stories or higher shall be separated 20 feet from all other dwellings				
<p>*Setback shall be measured from the right-of-way line or from a point thirty feet (30') from the center line, whichever is greater. Additional Setback Standards: All structures shall be located at least one hundred feet (100') or one hundred thirty feet (130') from the center line whichever is greater. All structures shall be located at least one hundred feet (100') from the exterior boundaries which do not abut another PRD.</p>					

II. Additional Dwelling Density Standard. Where dwellings other than single family detached dwellings on individual lots are proposed (including attached single family dwellings, clustered single family dwellings, or senior apartment dwellings), an area or areas of land within the PRD shall be identified for the locations of such dwellings. (That identified area of land shall not include the area(s) of any existing or proposed public road rights-of-way and shall not include any area required to provide the required minimum open space.) The maximum density of dwellings for the identified area of land shall be determined by multiplying its total acreage by four (4.0). All dwellings located within the identified area(s) shall comply with all other applicable requirements of this Resolution including but not limited to yards and setbacks.

III. Height, Floor Area, Width

- The height of residential principal buildings and structures shall not exceed 2 and one-half (2.5) stories and thirty-five (35) feet as measured from the grade to the eave line for at least fifty percent (50%) of the perimeter of each building.
- The height of residential accessory buildings and structures shall not exceed ten (10) feet. The total floor area of all accessory buildings and structures shall not exceed one hundred fifty (150) square feet.

A height restriction of 10 feet and a floor area maximum of 150 square feet would have the effect of prohibiting a detached garage in the PRD. Is that the intent?

- Minimum Dwelling Floor Areas. All single family dwellings shall have habitable floor areas as required for the SR District.
- Minimum Dwelling Width. The width of a dwelling shall be at least 28 feet.

- Senior apartment dwellings and units in assisted living buildings are exempt from the floor area and width requirements above
- IV. Natural Hazards Overlay Areas. Where land proposed to be included within a PRD is located within a Natural Hazard District, that part of the PRD shall be subject to the requirements of this Resolution applicable to the NH District and the applicable requirements shall supersede the requirements for PRD. The use of land within an NH District for PRD common open space shall be permitted and encouraged.

E. OIPD - Office/Industrial Park District

1. Purpose. The purpose of the OIPD is to provide locations for planned office and industrial developments within the East Greenwich Overlay District.
2. Qualifying Conditions for OIPD
 - a. Only property located within the East Greenwich Overlay District north of East Greenwich Road may be approved for an OIPD.
 - b. Property proposed for an OIPD shall:
 - I. Total at least twenty (20) contiguous acres exclusive of existing public rights-of-way unless it abuts a contiguous OIPD; or total at least ten (10) contiguous acres to be developed and maintained as a single lot for a single use.
 - II. Have access to an existing improved public road and frontage thereon of not less than one hundred (100) feet.
 - III. Not be divided by existing public roads or other areas which limit use for purposes of the OIPD.
 - c. The land for which an OIPD application is submitted must be in single ownership or the subject of an application filed collectively by all owners of the properties intended to be included within the OIPD. All land included within a planned industrial development shall be under the control of the applicant, whether that applicant is an individual, partnership, or corporation or group of individuals, partnerships or corporations. Applicants shall present firm evidence, at the time of application, of unified control of the entire area within the proposed development.
4. 3 General Standards for OIPD
 - a. Infrastructure
 - I. Subdivision Improvements. All areas of an OIPD shall be developed within a Major Subdivision as provided by the Medina County Subdivision Regulations except where approved as a ten-acre minimum lot as provided above.
 - II. Public Utilities. The applicant for an OIPD shall demonstrate the availability of public water and public

sanitary sewer with sufficient capacity to serve the proposed development and shall demonstrate the capacity to finance and construct any necessary off-site improvements.

III. Public Roads. All roads shall be dedicated public roads. Provisions for future road extensions to abutting properties may be required.

b. Uses

I. Permitted Uses.

- A. Light industrial establishments in which the principal activity is the manufacture, processing, assembly or packaging of goods and materials
- B. Research, development, analysis, or testing as the principal use in laboratories, product development centers, testing facilities, or research centers which may include associated light fabrication and assembly operations as an accessory use
- C. Warehousing
- D. Wholesale trade
- E. General office uses or business, professional, medical or governmental offices
- F. Contractor shops
- G. Public and private utility facilities, and governmental maintenance facilities, including the storage and maintenance of motor vehicles and equipment.
- H. Printing and publishing.
- I. Appliance repair centers.
- J. Sales, service and rental of agricultural and construction equipment
- K. Commercial bakeries.
- L. Dry cleaning and laundries.
- M. Pest control services
- N. Crematory
- O. Communication towers and communication antennas.
- P. Wind turbines
- Q. Landscaping and Lawn care companies
- R. Automobile and truck service and repair;
- S. Rental truck facilities
- T. Day care center (child or adult), nursery school or similar facility
- U. Business services including mailing, reproduction, stenographic, word-processing, data entry,

computer programming, photocopying, duplicating, data processing, business machine servicing, and temporary labor services

- V. Business and Trade Schools
- W. Media Production, including Motion Picture Studios and Stations, Radio and Television Broadcasting and Recording Stations

II. Conditional Uses

- A. Indoor self-service storage facilities
- B. Indoor and outdoor recreational facilities
- C. Animal hospitals and kennels
- D. Similar uses as determined by the Board of Zoning Appeals (*See Article VI, Section 606, #32, Similar Use, Page 80*)

III. Accessory Uses. Accessory uses shall be permitted if customarily and clearly incidental and subordinate to the above-listed permitted principal uses, including administrative and maintenance facilities. All accessory uses shall be located on the same lot or tract as the permitted principal use.

- A. Indoor sales and display for products manufactured, processed, fabricated, assembled or warehoused on the premises provided the sales and display areas do not exceed twenty five percent (25%) of the gross floor area of the main use.
- B. Outdoor sales or display of vehicles or equipment sold or rented on the premises as part of a permitted use listed for the OIPD provided that:
 - (1) the outdoor area (or areas) intended to be used for such outdoor sales or display is (are) clearly indicated on a site plan attached to and made part of the Zoning Permit;
 - (2) a description of the general nature of the vehicles or equipment to be sold or displayed in the outdoor areas shall be attached to the Zoning Permit;
 - (3) no other part of the site is used for such purpose at any time;
 - (4) one (1) area for outdoor sales or display may be located in the front yard of the lot, the area shall be paved with asphalt or concrete, shall not exceed 1,500 square feet, and shall

not be located closer to the public right-of-way than thirty (30) feet;

This could result in a strip of outdoor sales/display across the front of a lot. Suggest adding that the location and configuration of the outdoor sale/display area is to be determined with the site plan.

- (5) no vehicle or equipment or any part thereof shall exceed a height of ten (10) feet above natural grade;
- (6) the total area of such designated areas shall not exceed twenty-five percent (25%) of the area of the lot on which the permitted use is located;
- (7) Where located in a side or rear yard, the area(s) shall be paved with asphalt or concrete, setback as required for buildings and outdoor uses. Approved outdoor sales or display areas in side and rear yards shall be screened as follows:
 - a. The entire outdoor sales or display area shall be enclosed on all sides (except any side where visibility is obstructed by a building on the site) by a solid wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen percent (15%) or no less than 85% opaque, or
 - b. a dense vegetative planting incorporating trees, evergreens, and/or hedges of a variety that are as equally effective in their screening effect, in both summer and winter, as a solid wall or solid painted fence with openings no greater than fifteen percent (15%) or no less than 85% opaque. or
 - c. a combination of the methods described in a and b above.
 - d. The approved screening shall be maintained in healthy and sound condition in compliance with the

intended screening effect at all times that outdoor sales and display is conducted on the designated area.

- C. Outdoor storage of materials, goods, equipment or vehicles, including customer equipment and vehicles temporarily stored on site for servicing or repair only as a use accessory to an otherwise permitted or conditional use provided that:
- (1) Vehicles brought to and removed from the site on a daily basis which are owned by employees, customers, or persons providing services to the business may be stored in a parking area as authorized by this Resolution and shall not be subject to these provisions;
 - (2) All materials, goods, equipment or vehicles stored on the site shall be owned, rented, or leased by the business which is the use of the site. No part of the site shall be used for the storage of materials, goods, equipment, or vehicles owned by uses which are not approved uses of the site. No outdoor storage space shall be permitted to be used, rented, leased, or otherwise authorized by the property owner or user of the site for a purpose which is not directly associated with the approved use of the site;
 - (3) Outdoor storage shall be located at least one hundred feet (100') from any property which is not located in an OIPD. Outdoor storage shall be located so that it does not adversely affect the use of neighboring properties and the health or safety of persons residing and/or working in the neighborhood. Storage shall be placed in a manner which protects neighboring properties from any exposure to noise, odor, dust or vibration;
 - (4) Outdoor storage of any top soil, loam, sand, gravel or other erodible fill type substances on land shall be prohibited unless done pursuant to a zoning permit which may include provisions for monthly inspections,

a limit on the nature and volume of materials to be stored, and provisions for erosion control, elimination of standing and stagnant water, dust control, silt fences or other site storm water runoff controls necessary to control, prevent and limit storm water runoff including sediment and other pollutants into the private and public storm water ditches and facilities or the natural lakes and streams;

- (5) The excavation, demolition, processing or outdoor storage for sale or transfer off-site of soil, mulch, other earth substances, logs, stumps, demolition debris or other types of fill material (collectively hereinafter referred to as substances) is prohibited unless the materials are generated by, or the consequence of construction pursuant to or implementation of a presently approved construction permit for the site or subdivision improvements. The substance(s) shall not be treated, screened or otherwise processed or refined upon the site prior to storage or transfer from the site;
- (6) the outdoor area (or areas) intended to be used for such outdoor storage is (are) clearly indicated on a site plan attached to and made part of the Zoning Permit;
- (7) a description of the general nature of the materials, goods, equipment, or vehicles to be stored in the outdoor areas shall be attached to the Zoning Permit;
- (8) no other part of the site is used for such purpose at any time;
- (9) the area(s) shall be paved with asphalt or concrete, and setback as required for buildings and outdoor uses;
- (10) no stored materials, goods, equipment or vehicle or any part thereof shall exceed a height of ten (10) feet above natural grade;
- (11) the total area of such designated areas shall not exceed twenty-five percent (25%) of the

area of the lot on which the permitted use is located;

(12) The approved outdoor storage area shall be screened as follows:

- a. The entire outdoor storage area shall be enclosed on all sides (except any side where visibility is obstructed by a building on the site) by a solid wall or a minimum six (6) foot solid painted fence with openings no greater than fifteen percent (15%) or no less than 85% opaque, or
- b. a dense vegetative planting incorporating trees, evergreens, and/or hedges of a variety that are as equally effective in their screening effect, in both summer and winter, as a solid wall or solid painted fence with openings no greater than fifteen percent (15%) or no less than 85% opaque. or
- c. a combination of the methods described in a and b above.
- d. The approved screening shall be maintained in healthy and sound condition in compliance with the intended screening effect at all times that outdoor storage is conducted on the storage area.

D. Off street parking and other vehicular facilities as permitted by Article V, Vehicles, Parking and Driveways for the I Industrial District.

E. Signs as permitted by Article IV Sign Regulations for the I Industrial District.

c. Lot, Area, and Height Requirements

- I. Minimum Lot Area: 1 acre
- II. Minimum Lot Frontage: 150 feet
- III. Minimum Lot Width: 150 feet at building setback line
- IV. Maximum Building Height: 35 feet
- V. Minimum Yards and Setbacks: Front yard 50 feet; side and rear yards 25 feet. Where adjacent to property which is not within an OIPD, buildings and outdoor uses shall be setback at least one hundred feet (100') and parking for

employee and customer vehicles may be located in the setback but not closer than 50 feet to the lot line.

VI. Maximum Lot Coverage: 40%

d. Environmental Protection Standards.

I. Natural Hazards Overlay Areas. As applicable, properties within an OIPD which are within a Natural Hazard District shall be subject to the requirements of Section 302 of this Resolution.

It appears that a large portion of the area north of Greenwich Road is within Natural Hazard Overlay Areas (NH). The NH limits permitted uses and conditional uses to those permitted in the RR District. This will be very limiting in the development of the eastern half of the area designated for the OIPD.

II. Containment of Environmental Impacts.

- Where any building is proposed for a use which generates noise, dust, odors, bright lights, or other environmental impacts or hazards which may be emitted from the building via open doors or windows, then doors and openable windows shall not be located on any side of the building which is parallel or nearly parallel to a lot line abutting a district in which residential use is permitted. Windows in these locations may be permitted if fixed in place and of sufficient construction to prevent emission of the impacts and hazard

It appears that building elevations and/or designs will be needed to evaluate the environmental impacts mentioned above. Also, the entire area north of Greenwich Road allows both OIPD and PRD. This would mean that the entire area permits residential use and could be impacted

- Loading docks and loading doors shall not be located on any side of the building which is parallel or nearly parallel to a lot line abutting a district in which residential use is permitted.

e. Site Plan Review Required. Prior to establishing any use on any property located within an approved OIPD, site plan review shall be required as provided in Section 807 of this Resolution.

F. Procedures for Application, Review, and Approval of Planned Development

1. Pre-Application Conference. The applicant for a planned development is encouraged to request a meeting with the Zoning Inspector prior to submitting an application for the purposes of reviewing the applicable regulations and to obtain other information relevant to the proposal. Applicants are encouraged to confer with public officials and agencies who may be involved in review and approval of proposed development, including but not limited to the Medina County Health Department, County Highway Engineer, Director of Planning Services, and County Sanitary Engineer.
2. Preliminary Development Plan.
 - a. Application. An application for a planned development shall be submitted to the Zoning Commission by the owner, owner's authorized representative or option holder of the property that is the subject of the application. The application shall be submitted in the form of a letter of request along with a fee and deposits established by the Township Trustees, and a Preliminary Development Plan and narrative containing the information specified below.
 - I. Preliminary Development Plan. A Preliminary Development Plan shall be submitted and include the following:
 - Name, address, phone number and email address of the applicant
 - Name, address, phone number and email address of the professional or firm that prepared the plan.
 - Legal description of the property.
 - North arrow, scale and title block.
 - General location map.
 - Property boundary survey.
 - Adjacent buildings and structures within two hundred (200) feet of the property boundaries
 - All perimeter streets abutting the property, including right-of-way width.
 - Existing topographic conditions (two foot intervals).
 - Existing natural features (woods, ponds, streams, wetlands)
 - Approximate location of existing and proposed utilities, including a preliminary utility and drainage concept plan.
 - Uses proposed within the planned development and general locations.
 - Numbers and types of dwelling units proposed and locations.

- Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements.
 - Any other information deemed necessary by the Zoning Commission to determine the character of the proposed development and compliance with these regulations.
- II. Project Narrative. A written statement shall be submitted, providing the following information:
- Statement of how the Planned Development meets each of the applicable provisions of this Zoning Resolution
 - Identification of the present owners of all land within the proposed project
 - Explanation of the proposed character of the Planned Development, including a summary of acreage by use, number and type of dwelling units, area and percent of the project area to be preserved as common open space, minimum lot sizes by type of use
 - A general description of the proposed development schedule and anticipated phases.
 - Intended agreements, provisions and covenants to govern the use of the planned development, and any common open space areas to be preserved.
- b. Zoning Commission Review. At the next regularly scheduled meeting after submission of an application, the Zoning Commission shall review the application to determine if it contains all items and information required by this Resolution. When it is determined that an application is complete, the Zoning Commission shall set the date for a public hearing at its next regularly scheduled meeting (or at a later date agreed with the applicant).
- I. Notice of hearing. The following notices shall be provided:
- Written notice of the hearing shall be mailed by first class mail to the property owner and to the owners of the property contiguous to and directly across the street from the subject property. The notice shall be sent at least ten (10) days before the day of the hearing and shall contain the time, place and purpose of the hearing. A failure to notify, as provided in this section, shall not invalidate any

- proceedings or actions taken by the Zoning Commission or Board of Trustees.
- Notice to the general public of the Zoning Commission's agenda shall be publicized in a newspaper of general circulation at least fourteen (14) days prior to the date of the hearing.
- II. Request for Reviews. Upon setting the date for the hearing, the Commission may submit the application to such agencies and professionals as it deems necessary, which may include but not be limited to the Township Fire Chief, the Medina County Highway Engineer, the Medina County Sanitary Engineer, and the Director of Planning Services.
- III. Public Hearing. The Zoning Commission shall conduct a public hearing in accordance with its rules of procedure.
- IV. Recommendation. Upon voting on the application, the Zoning Commission shall forward its recommendation to the Board of Township Trustees that the Preliminary Development Plan be approved as presented, approved with supplementary conditions, or not approved.
- c. Board of Township Trustees Action. Within sixty (60) days of receiving the recommendation from the Zoning Commission, the Board of Township Trustees shall conduct a public hearing prior to taking final action on the Preliminary Development Plan.
- I. Notice of hearing. Notice shall be provided in the manner set forth for the Zoning Commission review above.
 - II. Public hearing. The Board shall conduct a public hearing in accordance with its rules of procedure.
 - III. Action. After the public hearing, the Board of Township Trustees shall vote to approve, approve with supplementary conditions or disapprove the Preliminary Development Plan.
 - IV. Failure of the applicant to comply with any conditions of approval shall be considered a violation of the Zoning Resolution and is subject to all applicable enforcement, remedies and penalties available to the Township in law or equity and as provided for in this Resolution.
 - V. Effect of Trustees Action. Board of Trustees action approving a Preliminary Development Plan authorizes the applicant to prepare and submit a Final Development Plan, but not to initiate construction or take any other action. Approval of a Preliminary Development Plan shall not constitute approval of the Final Plan. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plan and as a guide to the preparation of

the Final Plan, which will be submitted for approval of the Zoning Commission upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. Board of Trustees action disapproving a Preliminary Development Plan shall halt any other action on the part of the Township with regard to the Plan, or the Board may authorize the applicant to resubmit an amended Preliminary Development Plan.

3. Final Development Plan. The following procedures shall be followed for the review of the Final Development Plan.

a. Timing. An application for Final Development Plan approval shall be filed not later than twenty four (24) months after the effective date of Board of Trustees approval of the Preliminary Development Plan, otherwise the Preliminary Development Plan approval shall expire. One extension of up to six (6) months may be authorized by the Zoning Commission for good reason and justifiable cause. The applicant must demonstrate they have made a good faith attempt to work towards a Final Development Plan submittal. The applicant shall submit the request for extension in writing to the Zoning Commission who shall make a written determination regarding its decision to extend or deny the extension. Both the request and the determination shall be made part of the record. If the applicant fails to submit a Final Development Plan within this timeframe, the approved Preliminary Development Plan shall be deemed to have expired and the applicant must submit a new Planned Development application
Note: The timing does not coincide with that of Medina County Subdivision Regulations. A Preliminary Plan for the County is in effect for 24 months but 3 one-year extensions may be approved.

b. Application. An application for approval of the Final Development Plan shall be submitted by the property owner or owner's authorized representative. The application shall be filed in the form of a letter, along with a fee established by the Township Trustees, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Zoning Commission.

I. Final Plan. A Final Development Plan, substantially consistent with the approved Preliminary Development Plan shall be submitted with the required application. The Final Plan shall contain all information deemed necessary by the Zoning Commission to confirm compliance with the provisions of this Chapter and with all other applicable

regulations. At minimum, the application for Final Development Plan shall include:

- The proposed locations of all uses including but not limited to dwellings, open spaces, commercial uses, and infrastructure
- A subdivision plan or other survey indicating the locations of all lots, rights-of-way, easements, and other divisions of land.
- A grading plan indicating existing and planned topography.
- A storm water facilities plan.

II. Project Narrative. A project narrative shall also accompany the application and Final Development Plan and provide the following:

- Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
- Identification of the entity responsible for maintenance of common areas;
- Description of all deviations from the otherwise applicable zoning requirements;
- The total number of dwelling units, numbers of units by type, and locations of all units; if a phased development, totals, types and locations by phase.
- Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
- Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks and similar elements; and
- An anticipated development schedule by phase, if applicable.
- A proposed schedule or sequence for coordination of other required approvals, including but not limited to subdivision approvals which may include simultaneous applications, reviews, and approvals subject to acceptance of such schedule by the Township.

III. The Zoning Commission may require additional information beyond what is specifically required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the

interrelationship of roads, utilities or drainage systems within the total site.

- c. Phased Projects. If a Planned Development is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire Planned Development was first given Preliminary Development Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Preliminary Development Plan. Each phase shall have adequate provision for access, parking, open space, storm water management, and other public improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property.
- d. Zoning Commission Review. The application materials shall be forwarded to the Zoning Commission for review. At its next regularly scheduled meeting after submission of a complete application and all required plans and information, the Zoning Commission shall consider the application and take action to approve, approve with supplementary conditions or not approve the Final Development Plan, based on the review standards of Section 308 F 4.

The Final Development Plan shall be approved if it conforms with the Preliminary Plan. Approval by the Zoning Commission shall authorize the applicant to proceed with the Planned Development subject to all applicable regulations, conditions, and agreements. Disapproval by the Zoning Commission shall halt any other action on the part of the Township with regard to the Plan unless the Commission authorizes the applicant to resubmit an amended Final Development Plan.

- e. Performance Guarantee, Development Agreement. In conjunction with the approval of a Final Development Plan, the applicant shall be required to provide a performance guarantee for all public and common improvements, in accordance with applicable subdivision regulations. A development agreement may be required to address additional issues specific to the Planned Development.
4. Review Standards
- In considering a Planned Development application, the Zoning Commission shall find that the development meets all applicable

requirements and qualifying conditions, as well as the following general standards:

- a. Purpose of PD. The Planned Development shall be consistent with the stated purposes of this District
- b. Surrounding Uses. The Planned Development shall be compatible with the existing and intended uses surrounding the subject property.
- c. Natural Environment. The design and layout of the Planned Development shall be harmonious with the natural character of the site and surrounding area and shall employ best management practices to ensure their conservation
- d. Public Facilities and Services. The Planned Development shall not place undue burden on the capacity of public facilities and services such as, but not limited to, roads, fire and police protection, water, sanitary sewer service and drainage.
- e. Protects Health, Safety and Welfare. The Planned Development shall not contain uses or conditions of use that may be injurious to the public health, safety or welfare.
- f. Consistent with All Applicable Standards and Requirements. The Planned Development shall conform to all applicable requirements of this Resolution.
- g. Final Development Plan. The Final Development Plan is substantially consistent with the representations made and plans shown during the Preliminary Development Plan stage of approval.
- h. Recognizable and Substantial Benefits. Approval of the planned unit development will result in a recognizable and substantial benefit to the users of the project and to the community which would not otherwise be feasible or achievable under conventional zoning districts.

5. Commencement of Construction; Revocation of Approval

Construction shall have commenced and proceeded meaningfully toward completion within **twelve months** of the date of Final Development Plan approval, or approved phases thereof, in accordance with the following:

Commencement of construction within 12 months is not consistent with the 24-month time period specified in "b" below.

- a. For purposes of this section, meaningful progress toward completion shall mean, at a minimum, all of the following: site clearing, rough grading, and installation of infrastructure improvements: sanitary sewer, storm water facilities including storm water management facilities, and water mains .
- b. If construction has not commenced within **twenty-four (24) months**, the applicant may request one extension of up to **twenty-four (24) additional months**. The request shall be submitted, in writing, to the Zoning Commission prior to the expiration of the

original twenty-four (24) month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the Planned Development. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the Final Development Plan shall become null and void.

Note: This timing does not coincide with that of the County Subdivision Regulations. The County has no requirement to build as long as the property has been platted and improvements have been guaranteed.

- c. Following expiration of the foregoing time limits, the Board of Trustees may initiate proceedings to revoke approval of the Planned Development.

6. Amendments, Approval of Minor Changes

Changes to an approved Final Development Plan shall be permitted only under the following circumstances:

- a. The holder of an approved Final Development Plan shall notify the Zoning Commission of any proposed change to the approved plan.
- b. Minor changes may be approved by the Zoning Commission upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes are one or more of the following:
 - I. Reduction in building size or increase in building size up to five percent of the total approved floor area;
 - II. Movement of building or other structures to a location that meets all established setbacks;
 - III. Changes in parking layout that do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
Suggest adding, "However, the number of parking spaces must not be reduced below the minimum requirements of Article V, §502."
 - IV. Changes required or requested by a county, state or federal regulatory agency in order to conform to other laws or regulations.
- c. A proposed change to an approved Final Development Plan that does not meet one of the criteria above shall be considered an amendment to the approved Final Development Plan and a request for modification shall be submitted to the Zoning Commission and reviewed in accordance with the procedures established for the Final Development Plan review and approval process.

- d. When, in the judgment of the Zoning Commission, the proposed requested modification(s) substantially deviates from the approved Preliminary Development Plan, the requested modification(s) shall be reviewed by the Zoning Commission as an Amended Preliminary Development Plan, and shall be reviewed in accordance with the provisions of this Chapter for the approval of a Preliminary Development Plan.
7. Modification of Minimum Requirements, Variances:
 - a. The applicant for a Planned Development shall identify, in writing, all proposed deviations from the zoning requirements. Modifications may be approved by the Board of Trustees during the preliminary development plan review stage, after Zoning Commission recommendation. Adjustments to the minimum requirements may be permitted only if they will result in a higher quality and more sustainable development, consistent with the purpose of the planned development regulations.
 - b. Variances from Zoning Requirements in a Planned Development. The Board of Trustees may, after receiving a recommendation from the Zoning Commission, approve variances from the applicable provisions of this Zoning Code which are deemed consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
 8. Expansion of Planned Development Area
A property located within the area described in Section 308 E. 2. a. which is contiguous with but not contained within an approved Planned Development may apply for approval of an expansion of the contiguous Planned Development. The proposed area of expansion shall not be required to contain a minimum acreage, but shall be subject to all other provisions of this Chapter and other applicable Township regulations.

ARTICLE VIII

807 Site Plan Review

B. Site Plan Review Required

1. District PRD
 - a. Site Plan Review by Zoning Commission required for:
 - All permitted uses except single-family dwellings on individual lots with frontage on a public road.
 - b. Site Plan Review by Board of Zoning Appeals:
 - Not applicable.
2. District – OIPD

- a. Site plan review by Zoning Commission required for:
 - All permitted uses.
- b. Site Plan Review by Board of Zoning Appeals:
 - All conditional uses.
 -

This section was amended to make it clear that site plan review is applicable to specific uses in the East Greenwich Overlay District.

Staff Comment:

The Westfield Township Zoning Commission had submitted this text amendment to the Department of Planning Services for Informal Review. This process has allowed us to work out most of the concerns prior to this formal review.

Staff Recommendation:

The Department of Planning Services staff recommends that the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendment to the Westfield Township Zoning Resolution to create a new Section 308 - East Greenwich Overlay District, subject to Staff Comments.

R:\arcview\wp_planning\Text_Amend\westfield\2017\westfield_twp_ta_054-2017_east_greenwich_overlay_district - Copy.doc