

BAINBRIDGE TOWNSHIP

Comprehensive Zoning Resolution



KENDIG KEAST
COLLABORATIVE

Tonight's Purpose



- The purpose of tonight's meeting is to:
 - Present an overview of what a Comprehensive Zoning Resolution (“CZR”) includes ...or does not include
 - Discuss preliminary policies and directions in terms of legal authority
 - Discuss preliminary findings of KKC's analysis of Township's issues
 - Present a preliminary annotated outline of the new CZR
 - Discuss next steps

Introduction



- **2006 Land Use Plan**
 - Set out a vision for anticipated growth
 - Detailed limited capacity for urban services
 - Envisioned a predominantly low density residential community
- **State of Ohio**
 - Township Zoning Resolutions must be “in accordance with the comprehensive plan”
- **Courts**
 - Comprehensive plans must be sufficiently detailed to ascertain the use of property

This Assessment assumes that the Land Use Plan is a sufficient “comprehensive plan” for the purposes of guiding the development of a new Zoning Resolution

Purpose of Assessment



- Lay the groundwork for developing the Township's new Comprehensive Zoning Resolution ("CZR") in accordance with:
 - Comprehensive plan
 - Statutory mandates
 - Statutory grants of authority

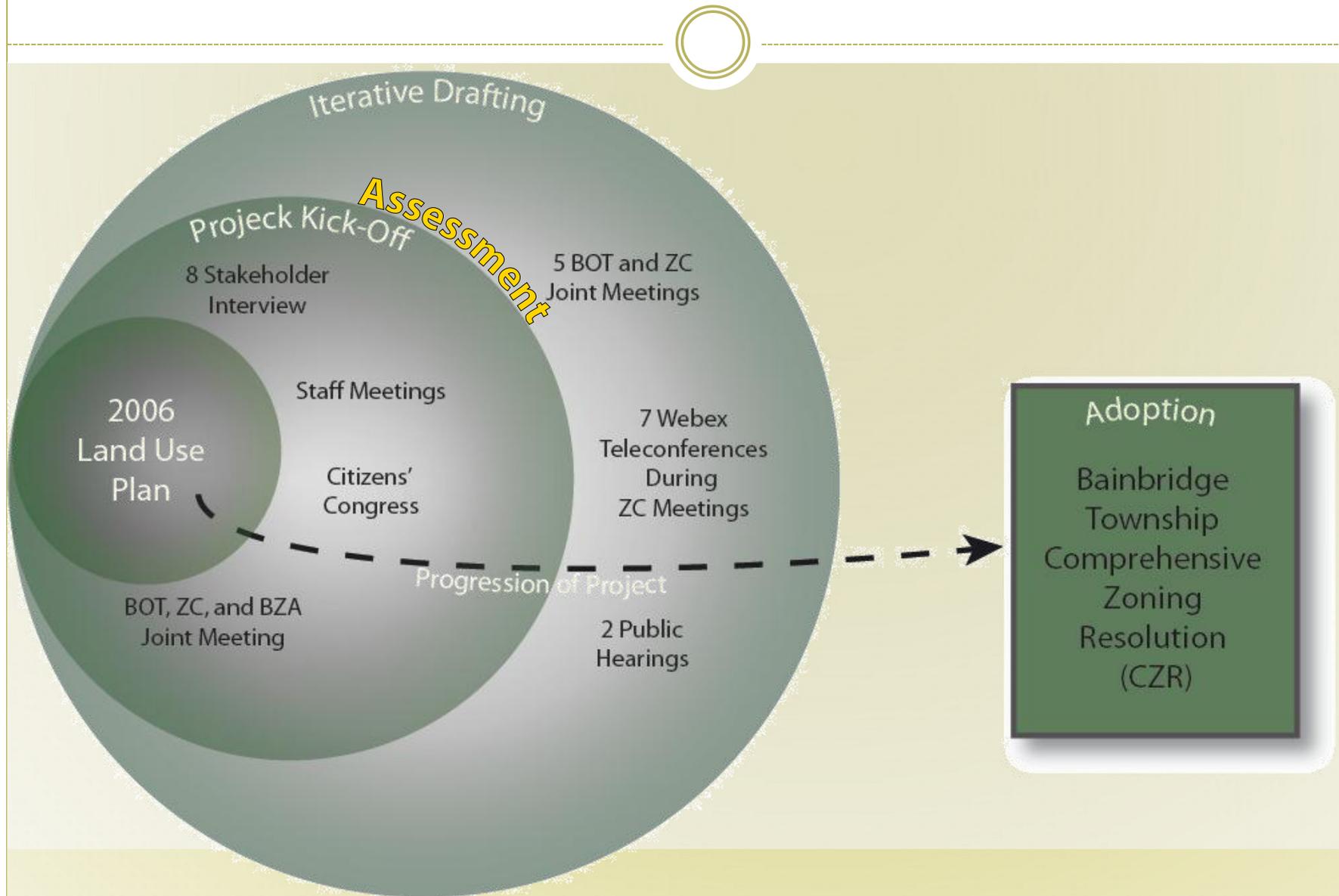
Advisable Plan amendments may be warranted at the end of this process

What is a (“CZR”)?



- **Comprehensive Zoning Resolution**
 - Combination of all development-related regulations into a single unified document, including:
 - ✦ Zoning and land use
 - ✦ Density, intensity, bulk, and scale of buildings and structures
 - ✦ Resource protection standards
 - ✦ Site development and building standards
 - ✦ Landscaping and buffering
 - ✦ Parking, loading, and lighting
 - ✦ Stormwater management
 - ✦ Environmental protection and nuisance prevention
 - ✦ Signs
 - ✦ Permits and processes

Informing the Assessment



Legal Context



- Township Zoning Resolutions are:

- Controlled by Dillon's Rule
- Limited to that which is specifically conferred by the General Assembly
- Limited to the powers specifically conferred in R.C. 519.02 (Ohio Supreme Court)

“[T]he zoning authority possessed by townships in the state of Ohio is limited to that which is specifically conferred by the General Assembly.”

Permissible Interests



Permissible Interest to be Served

Type of Regulation	Public Health and Safety	Public Convenience, Comfort, Prosperity, or General Welfare
Buildings and Structures		
Location	Yes ^a	Yes
Height	Yes	Yes, but only for nonresidential buildings
Bulk	Yes	
Number of Stories	Yes	
Size of Buildings and Structures	Yes	
Architectural Standards	Yes (by implication) ^b	Yes, except exterior building materials
Lot and Site Development		
Lot coverage (%)	Yes	Yes, but only for nonresidential buildings
Setback lines	Yes	Yes
Size of yards, courts, and open spaces	Yes	Yes, but only for nonresidential buildings
Landscaping	Yes (by implication) ^b	Yes, but must be “reasonable”
Floodplain	As necessary for participation in the national flood insurance program, and not in conflict with building codes. See § O.R.C. 505.75	
Land Use		
“Density of Population”	Yes	Yes, but only for nonresidential buildings
Regulation of land use (including use of buildings and structures) ^c	Yes	Yes

Creating a Nexus



- To ensure a nexus between public health and safety and Township regulations, the new CZR needs to:
 - Document the anticipated public health and safety implications of regulations in the legislative record
 - Reference same in the CZR's preamble
 - Describe the interests that are served in the purpose statements
 - Cross-reference to specific provisions in the Ohio Revised Code

Specific Uses



- Adult entertainment (home rule authority)
- Amateur radio
- Outdoor advertising (a business use vs. a sign)
- Alcohol
- Agriculture
- Manufactured housing (“permanently sited”)
- Group housing
- Adult group housing (9-16 persons, except PUDs)
- Utilities and telecommunication towers (upon request)
- Major utilities and “economically significant wind farms”
- Small wind farms
- Oil and gas production (fencing, screening and landscaping)
- Surface mining activities (only for health and safety)

Floodplain Regulations



- Per O.R.C. § 1521.18, Floodplain management is typically handled by cities and counties (and not townships)
- O.R.C. § 505.75 provides that a Township board “may adopt regulations that are necessary for participation in the national flood insurance program ...”
- Determination is needed regarding:
 - Defer to County regulations?
 - Develop and administer your own floodplain regulations?

Planned Unit Developments (“P.U.D.”)



- Townships are authorized to include P.U.D. regulations
- Defined as “a development which is planned to integrate residential, commercial, industrial, or any other use.”
- P.U.D. approval (as opposed to the zoning resolution) establishes the standards for development
- Broader purposes (general welfare, efficient use of land and resources, efficient utility services, innovation in types of development)

Planned Unit Developments (“P.U.D.”)



- P.U.D.’s may be included in the CZR in four different ways:
 - 1) Regulations (including substantive standards) may be included as part of the CZR
 - 2) Board may establish a PUD upon application
 - 3) Board may adopt regulations and amend zoning map; applicable upon application
 - 4) P.U.D.’s may be authorized as a conditional use

Legal Context to Plan to CZR?



- O.R.C. sets out purposes and permissible interests by which a Township may regulate
 - “in accordance with” a comprehensive plan
- Township’s “comprehensive plan”:
 - included a land capability analysis which showed 96.7% of the land in the Township has “severe” or “very severe” development constraints
 - Low density development can protect public health and safety on constrained lands
- **Community character-based approach can:**
 - Tie development density to site suitability and site capacity
 - Provide flexibility and protect natural resources (while also allowing a return on investment)

Community Character Defined



- **Community Character:**
 - For Bainbridge, describes a **continuum from rural to suburban**, in which relative balance of various elements changes along the continuum
 - This continuum relates to a **relative scale of development intensities**, stretching across a spectrum from undisturbed natural settings to the more intensely developed semi-urban areas
 - Based upon relationships and relative proportions of:
 - ✦ Amount of open space / landscape surface;
 - ✦ Building scale and coverage; and
 - ✦ Impervious surfaces.

Different Character Types in Bainbridge



Natural



Rural



Suburban



Semi-Urban

What is Rural Character?



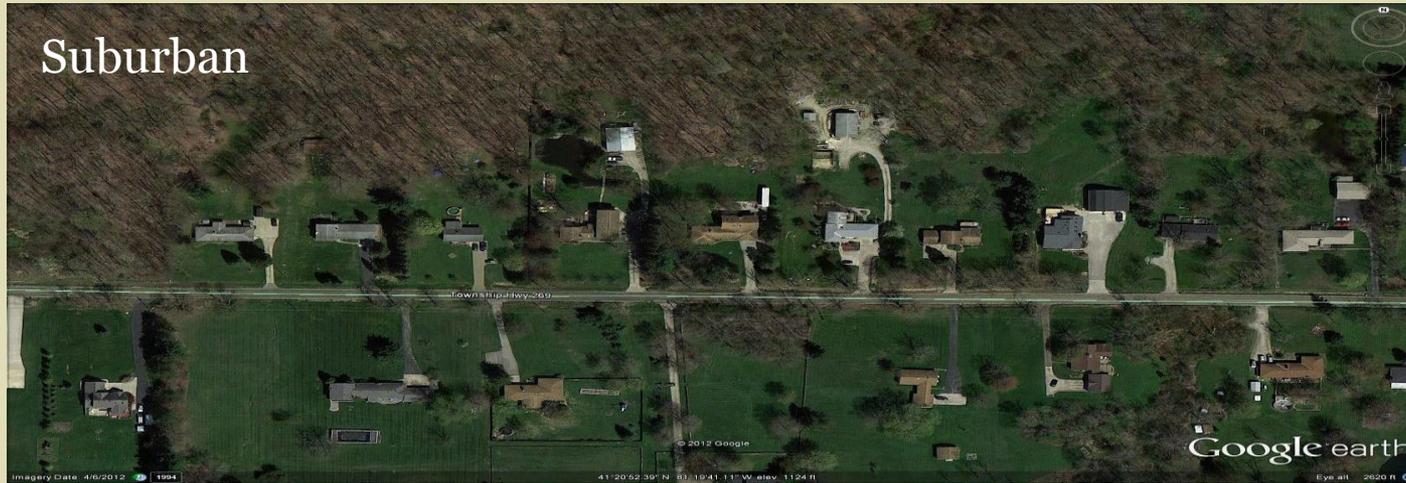
- Rural character is defined by areas of “green” and may include:
 - Unbuilt natural areas
 - Agricultural environments
 - Places which are primarily unoccupied by buildings and paved areas, but are still interspersed with low-scale buildings nestled within the landscape
- Within the Township, “rural” character may be achieved in different manners, where appropriate:
 - Small acreages or large lots
 - Smaller lots clustered around increasing amounts of open space

Character – Existing & Proposed



- Existing Zoning Resolution
 - Character relates solely to land use and lot size (with no provisions for open space or standards for resource protection)
- Proposed CZR
 - Character will relate to use, density, percentage of open space / landscape surface, and other design measures (commensurate with development type)
 - Character will also be created by:
 - ✦ Including specific layout and design criteria of individual uses, sites, districts and neighborhoods recognizing that the same use may be designed to reflect different types of character

Variations of Character



Rural Character



Table 3.1, Analysis of Existing Character

Character Class	Subdivision Name	Total # of Parcels	# of Developed Lots / Units	Min. Lot Size (ac.) ¹	Max. Lot Size (ac.) ¹	Average Lot Size (ac.) ¹	Total Acreage	Total Developed Acreage	Total Open Space Acreage	% Open Space	Gross Density	Net Density	
Rural	0.20 units per acre (u/a) and less												
	The Trees Condos	38	37	12.27	12.30	12.28	466.81	454.53	12.28	2.6%	0.08	0.08	
	Dennis Family Condos	6	5	5.53	7.55	6.21	47.51	31.05	16.46	34.6%	0.11	0.16	
	Stoneridge of Geauga	36	32	0.57	1.80	0.98	198.16	31.47	160.83	81.2%	0.16	1.02	
	Weathervane	30	25	5.06	5.86	5.32	150.17	132.89	17.28	11.5%	0.17	0.19	
	Stockton	9	9	3.71	8.90	5.87	52.82	52.82	0.00	0.0%	0.17	0.17	
	Edgewater Reserve	34	31	5.00	10.64	5.26	178.17	163.07	15.10	8.5%	0.17	0.19	
	Hawksmoor	35	29	1.55	3.42	2.15	165.18	62.37	102.81	62.2%	0.18	0.46	
	Forest Trails	8	8	5.00	5.53	5.10	40.86	40.86	0.00	0.0%	0.20	0.20	
	Beech Tree Estates	8	8	5.00	5.19	5.06	40.48	40.48	0.00	0.0%	0.20	0.20	
	≤ 0.20 Totals / Averages		204	184	4.85	6.80	5.36	1,340.16	1,009.54	324.76	22.3%	0.16	0.30
	0.20 to ≤ 0.25 units per acre												
	Settlement One	14	11	1.10	6.55	3.64	53.23	40.06	13.17	24.7%	0.21	0.27	
	Amber Trails	24	21	2.50	3.32	2.65	98.92	55.82	43.10	43.6%	0.21	0.38	
	Jamestown	3	3	1.60	9.61	4.29	12.89	12.89	0.00	0.0%	0.23	0.23	
	0.21 to ≤ 0.25 Totals / Averages		41	35	1.73	6.49	3.53	165.04	108.77	56.27	22.8%	0.22	0.29
	0.25 to ≤ 0.33 units per acre												
	Country Estates of Geauga	6	4	2.90	8.19	4.42	15.52	17.67	7.33	47.2%	0.26	0.23	
	DiBlasi	5	5	3.00	4.88	3.85	19.26	19.26	0.00	0.0%	0.26	0.26	
	Timber Trails	56	54	3.00	4.89	3.20	207.40	172.73	34.67	16.7%	0.26	0.31	
	Chagrin Oaks	4	4	3.03	3.68	3.45	13.78	13.78	0.00	0.0%	0.29	0.29	
	Sanctuary	13	11	0.73	12.21	2.87	37.26	24.32	12.94	34.7%	0.30	0.45	
	Washington Post	42	38	1.50	4.43	3.08	128.27	117.07	11.20	8.7%	0.30	0.32	
	Chagrin Acres	17	16	3.00	4.03	3.27	53.89	52.38	0.00	0.0%	0.30	0.31	
	Bridgeway Estates	21	18	0.74	1.82	1.26	59.44	22.75	26.54	44.7%	0.30	0.79	
	King Ranch Estates	5	5	3.00	3.32	3.15	15.75	15.75	0.00	0.0%	0.32	0.32	
	Woods of Wembley	89	70	0.92	6.37	1.21	216.40	84.68	131.72	60.9%	0.32	0.83	
	Peppermill Chase	46	43	2.00	4.23	2.66	132.58	114.58	18.00	13.6%	0.32	0.38	
Northwood Lakes	11	9	1.42	2.92	1.99	27.67	17.87	9.80	35.4%	0.33	0.50		
0.25 to ≤ 0.33 Totals / Averages		315	277	2.10	5.08	2.87	927.22	672.84	252.20	21.8%	0.30	0.42	
RURAL CHARACTER TOTALS / AVERAGES		560	496	2.90	6.12	3.92	2,432.42	1,791.15	633.23	22.3%	0.22	0.34	

Both Rural



- Avg. Lot Size: 1.80 acres
- Total Open Space: 0.00%
- Gross Density: 0.17 units/ac.
- Net Density: 0.17 units/ac.



- Avg. Lot Size: 5.87 acres
- Total Open Space: 81.2%
- Gross Density: 0.16 units/ac.
- Net Density: 1.02 units/ac.

Land Use, Zoning, and Development Character



Living Homes

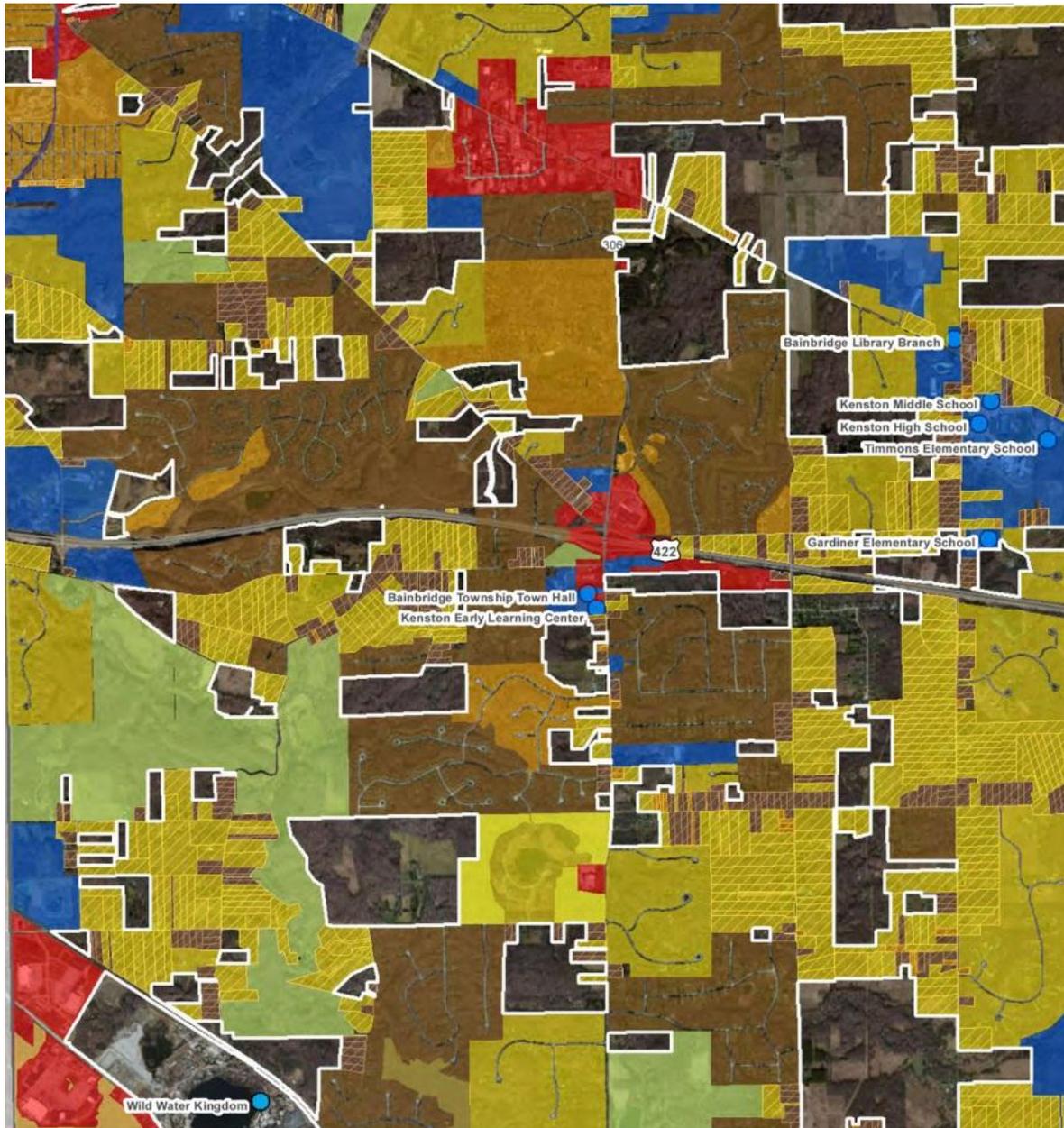
- Avg. Lot Size: 22,734 sf.
- Open Space: 23.5%
- Density: 1.43 units/ac



Woods of Wembley

- Avg. Lot Size: 1.21 ac.
- Open Space: 60.9%
- Density: 0.32 units/ac

Existing Development Character



Legend

- Undeveloped Parcels (>3 Acres)
- Rural Character (>3 Acres)
- Suburban Character (Between 1 and 3 Acres)
- Semi-Urban Character (<1 Acre)
- Individual Lots
- Non-Residential
- Public/Institutional
- Conservation
- Landmarks
- Township Boundary

Source of Data: Geauga County

Overall Character in Bainbridge

Table 3.2, Character of Developed Subdivisions

Developed Subdivisions	Character %
Rural	38%
Suburban	52%
Semi-Urban	10%

Source: Kendig Keast Collaborative

Table 3.3, Character of Independent Lots

Independent Lots	Character %
Rural	78%
Suburban	21%
Semi-Urban	1%

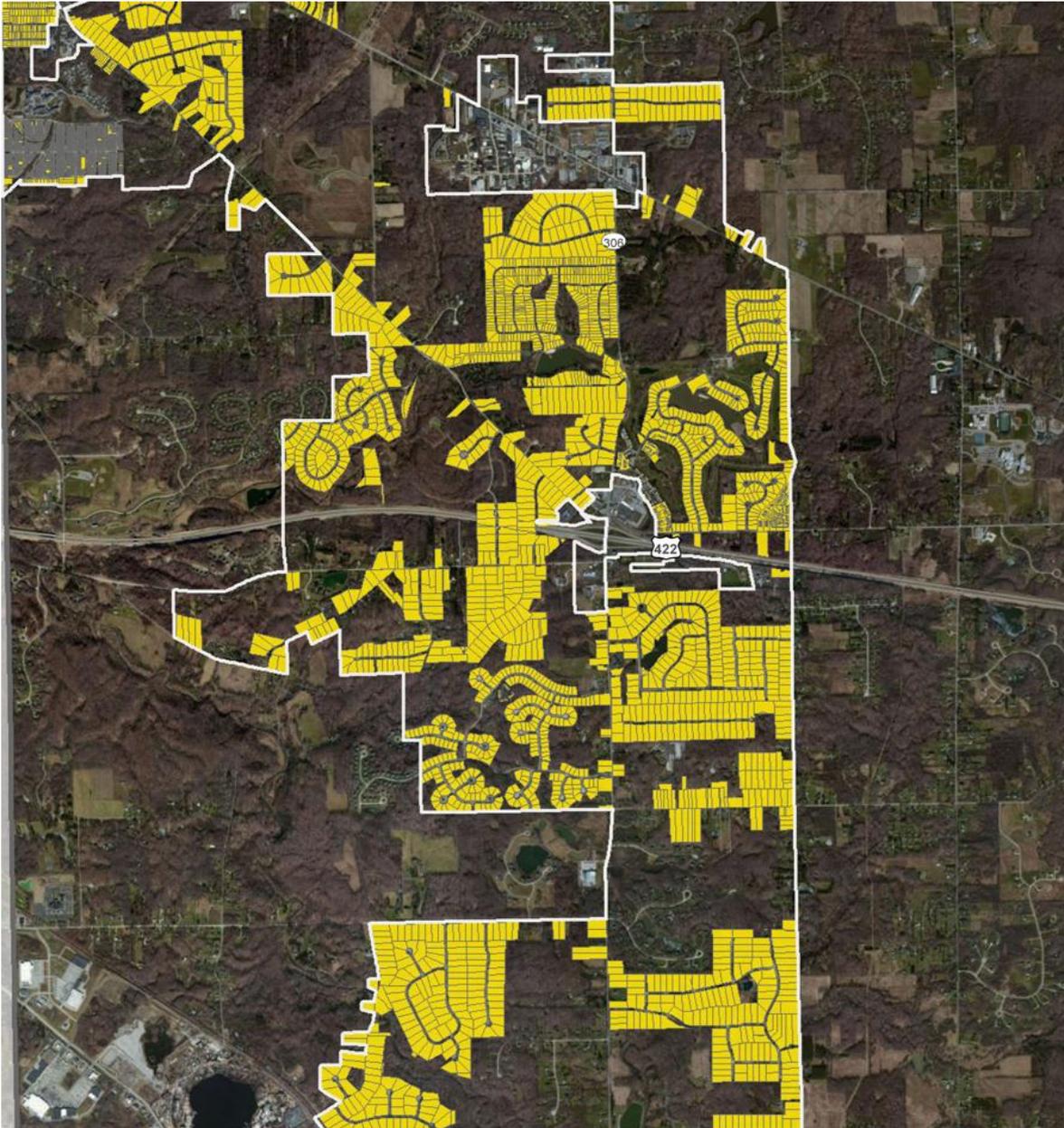
Source: Kendig Keast Collaborative

Findings of Existing Neighborhoods



- All residential development is zoned:
 - R-3A, Rural Residential (3.0 acre lot size)
 - R-5A, Rural Open Residential (5.0 acre lot size)
 - Provisions for clustering in both districts
 - ✦ Limited to 3 units per acre in any one area (R-5A)
 - ✦ Limited to 3 units per any single acre (R-3A)
- Large percentages of individual lots in each district are:
 - Less than the minimum required lot size; and
 - In subdivisions that do not meet minimum density requirements.
- Lots are potentially “legally nonconforming”... which may require variances to accommodate changes

Nonconforming Lots in R-3A District



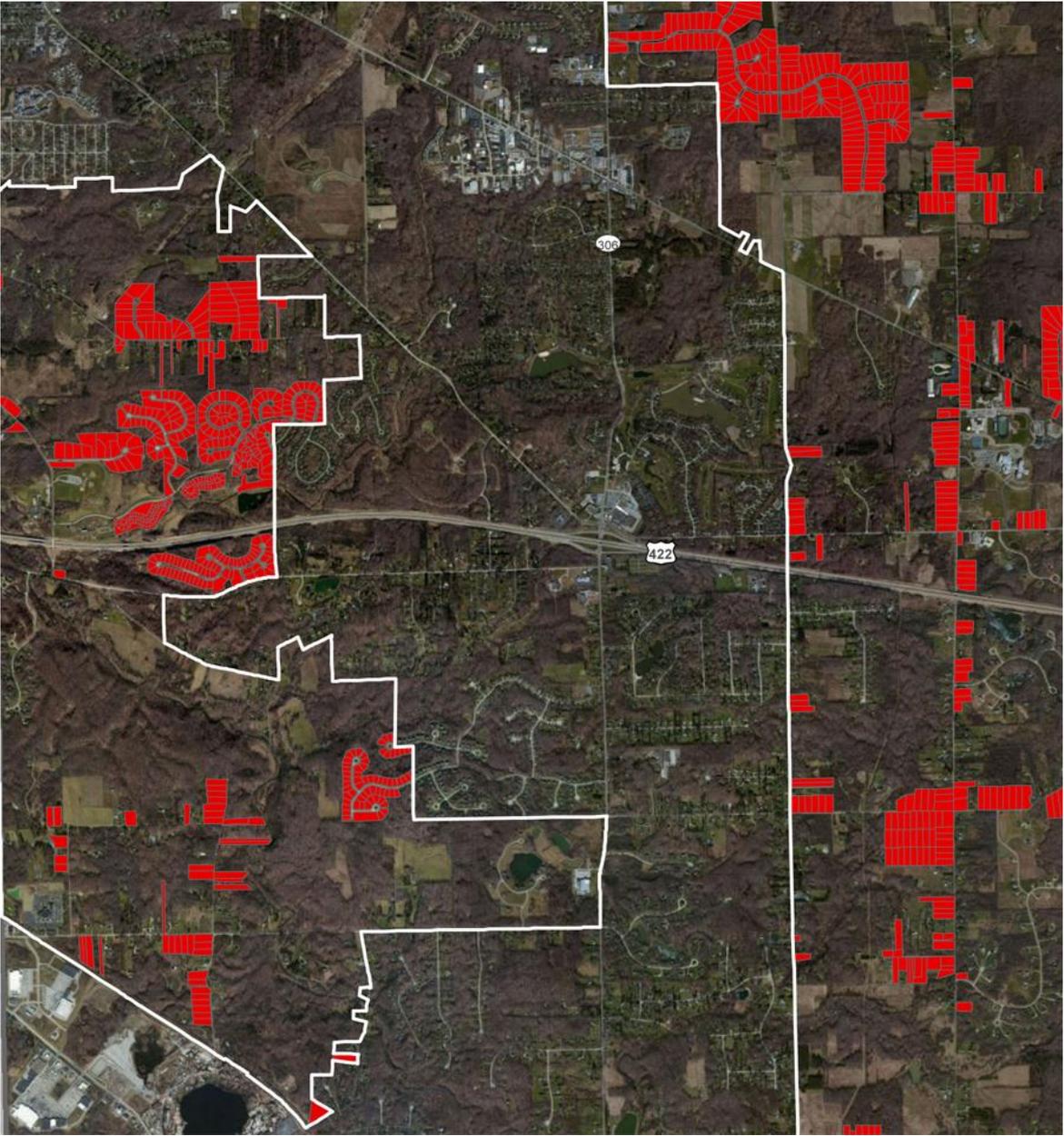
Legend

-  R-3A Zoning Boundary
-  Nonconforming Lots*
-  Township Boundary

* Less than 3 acres;
Overall density of 1 unit per 3 acres.

Source of Data: Geauga County

Nonconforming Lots in R-5A District



Legend

-  R-5A Zoning Boundary
-  Nonconforming Lots*
-  Township Boundary

* Less than 5 acres;
Overall density of 1 unit per 5 acres.

Source of Data: Geauga County

Existing Neighborhood (“EN”) District



- The EN District would include sub-districts that better reflect what exists on the ground regarding:
 - Lot sizes and densities
 - Dimensional standards
- Purpose is to make all lots conforming
(if constructed in compliance with regulations)
- Alternate standards could be established thereby allowing for administrative approvals rather than variance requests

Character-Based District Structure



- Different development types (e.g., conventional, conservation, PUD) may be allowed in the same district, subject to standards for:
 - Average lot size
 - Minimum open space
 - Maximum gross density
- Each development option is allowed by-right
- Standards are spelled out
- Density bonuses could be allowed for conservation and PUD as incentive to:
 - Protect open space and sensitive site resources
 - Comply with standards unique to the PUD
- Different dwelling unit types could be allowed subject to explicit standards
- Setbacks and building coverages would vary with development type
- Designed for flexibility yet increased certainty as to outcomes and approval

Character-Based District Structure

(illustrative example only)



Table 3.4, Illustrative District Structure

District and Development Type	Lot Area (average)	Open Space Ratio (delineated space)	Gross Density (units/acre)	Minimum Site Area
<i>Rural</i>				
Equestrian	5 acres	0.20	0.14	60 acres
Single-Family	3 acres	0.10	0.26	50 acres
Cluster	1.5 acres	0.40	0.32	25 acres
Conservation	20,000 s.f.	0.60	0.58	50 acres

Source: Kendig Keast Collaborative

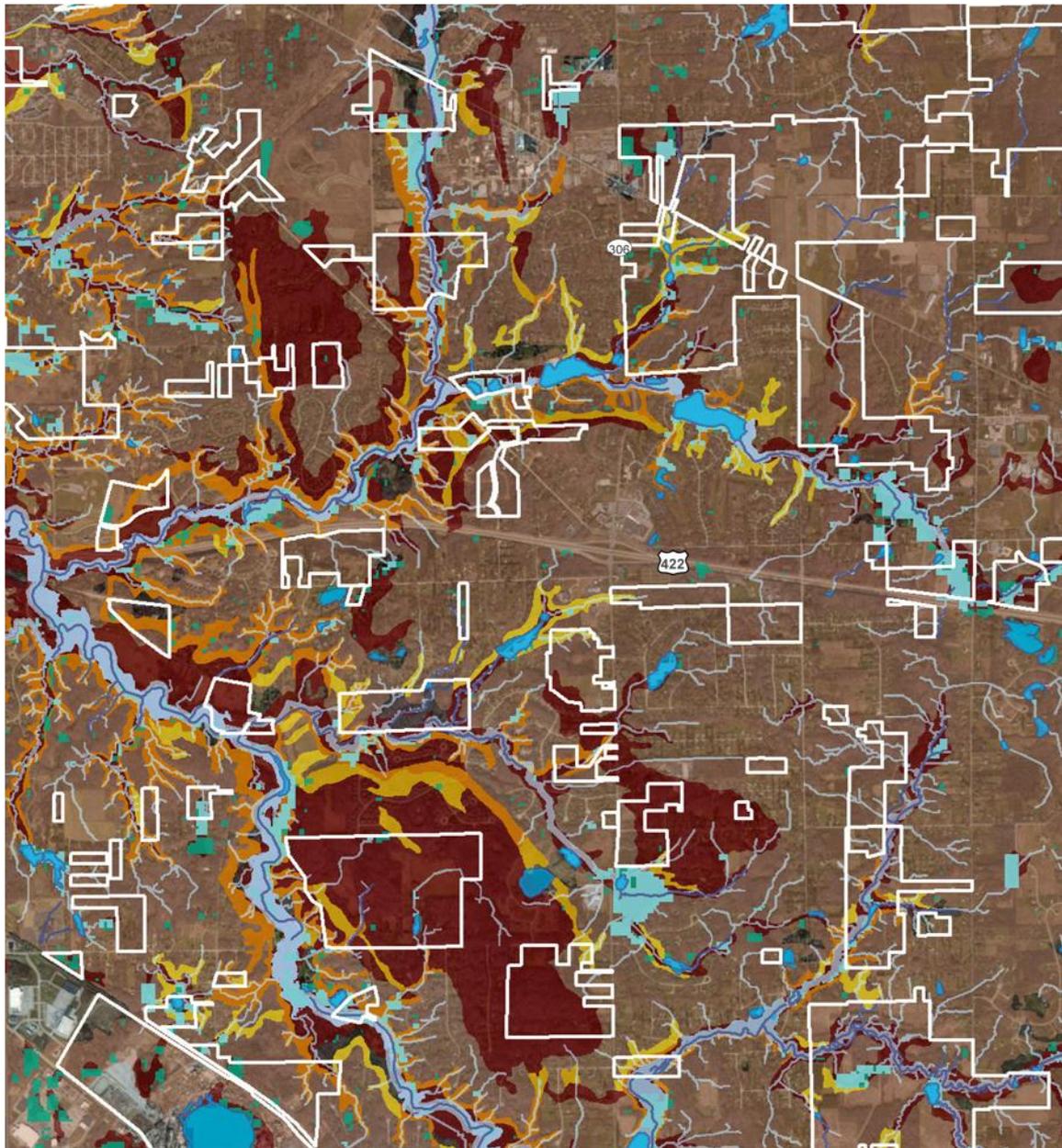
Note: This table is used for illustrative purposes only. It is not intended for application in Bainbridge Township.

Planned Unit Development (“PUD”)



- PUD’s can be done well or poorly
- KKC recommends allowing PUD’s as an option in one or more zoning districts
- The PUD would be based on the capacity of land to support development
- Densities, open spaces, and dimensional standards would be established per applicable district
- A modest density bonus should be considered as an incentive for PUDs

Environmental Resources



Legend

Undeveloped Parcels (>3 Acres)

Township Boundary

Capability for Septic Tank Absorption

Severe Soils

Very Severe Soils

Slope

18-25%

Greater than 25%

Surface Water

Wetlands

Riparian Setback

Waterbodies

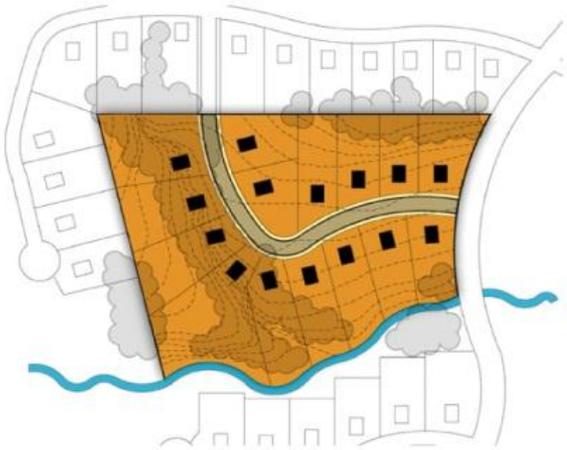
Streams

Floodplain

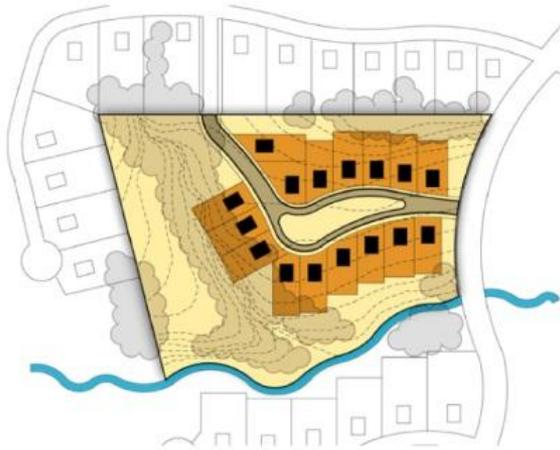
Zone A

Zone AE

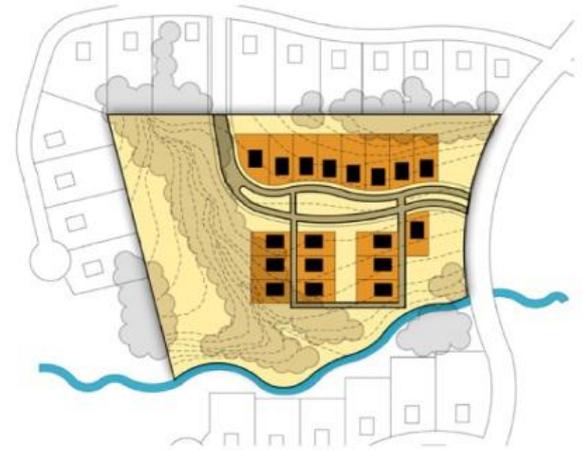
Conservation Development



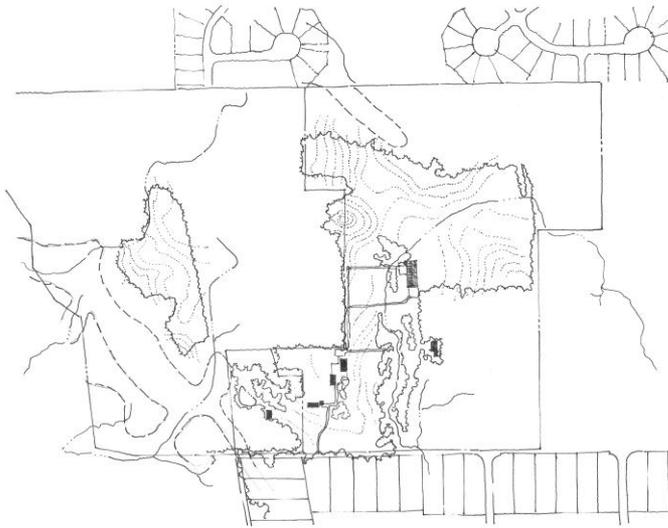
15 units on large lots. The character is defined by the "borrowed open space" created by the large lots. That is, neighbors and people driving on the street perceive open space that is "borrowed" from each private lot.



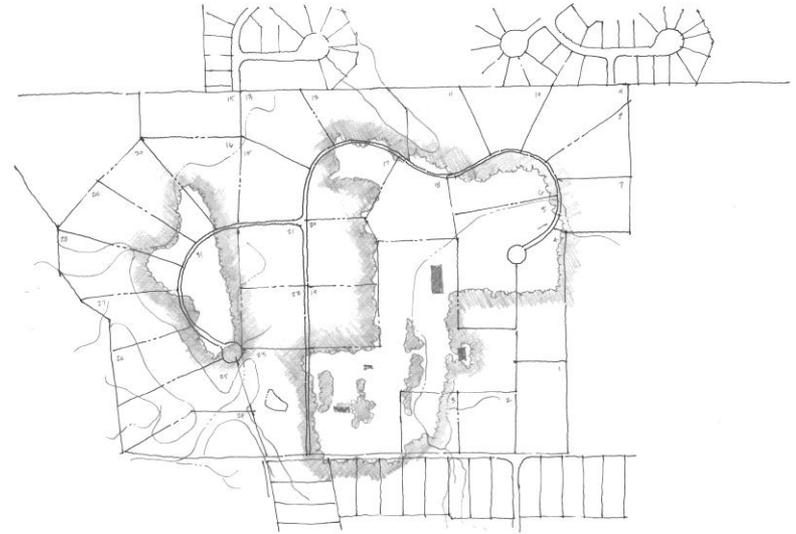
16 units on "clustered" smaller lots. The character is defined by a combination of the "borrowed open space" created by the lots and the commonly owned open spaces.



18 units on even smaller lots. The character is defined largely by the commonly owned open spaces.

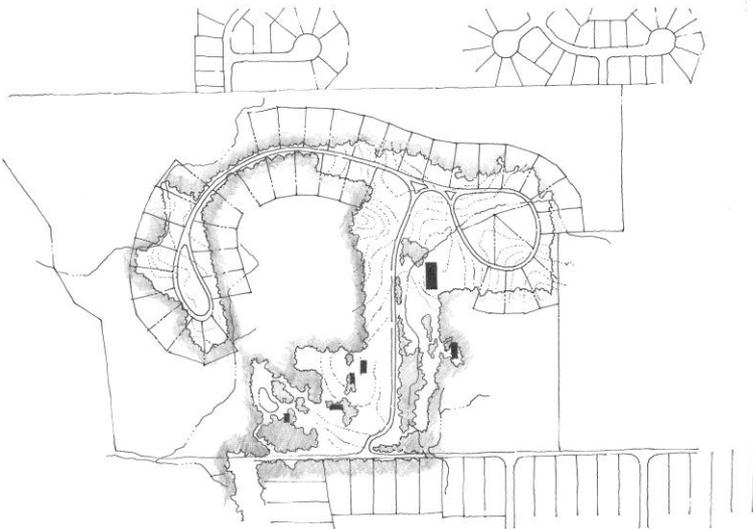


Existing Conditions



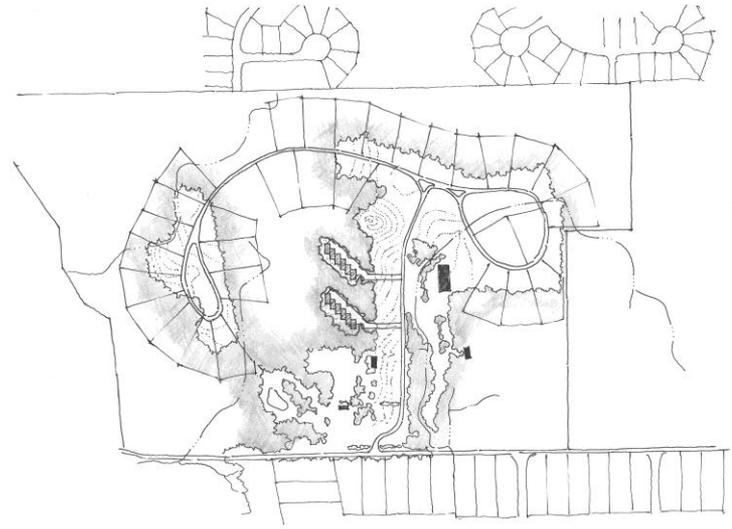
5-acre lots; 31 total detached units

5 ac
A57 (60)



1.25-acre lots; 38 total detached units

1.25 ac. 98



1.5-acre lots; 31 detached units; 12 attached units; total 43 units

1.5 ac. 91

Uses and Use Types



Table 3.5, Example of General Use Consolidation

Detailed Use	Proposed General Use Category
Any medical office, including general medical, dental, or any specialized medical practice, where treatment is provided by, or under the district supervision of, a doctor licensed by the State of Ohio	General Professional/Medical Office (means office space used by physicians, pediatricians, radiologists, dentists, chiropractors, physical therapists, acupuncturists, and other health care professionals for the examination and/or treatment of patients on an outpatient basis, with no overnight stays by patients).
Clinical Psychologist Office	
Doctors of Psychology Office	
Psychoanalyst Office	
Psychologist Office	
Psychotherapist Office	
Endodontist Office	
Orthodontist Office and Periodontist Office	
Chiropractor Office	
Hearing Testing Services, Occupational Therapist Office, Speech Pathologist Office and Voice Pathologist Office	

Conditional vs. Limited Uses



- Certain conditional uses could be transitioned to “limited uses” with a few use-specific standards administratively applied
- Some examples include:
 - Residential care facilities
 - Cemeteries
 - Adult family homes and adult group homes
 - Tennis clubs
 - Nursing homes
 - Child day-care centers and day-care centers for adults
 - Farm Markets

Landscaping and Buffering



- Sec. 519.02 of the Ohio Revised Statutes states that a Township may regulate “reasonable landscaping standards.”
- Currently they are primarily applied for specific use types (e.g., child day-care centers, etc.)
- KKC recommends adding a chapter in the CZR on development standards, including:
 - Landscaping
 - Screening and buffering

Building Design

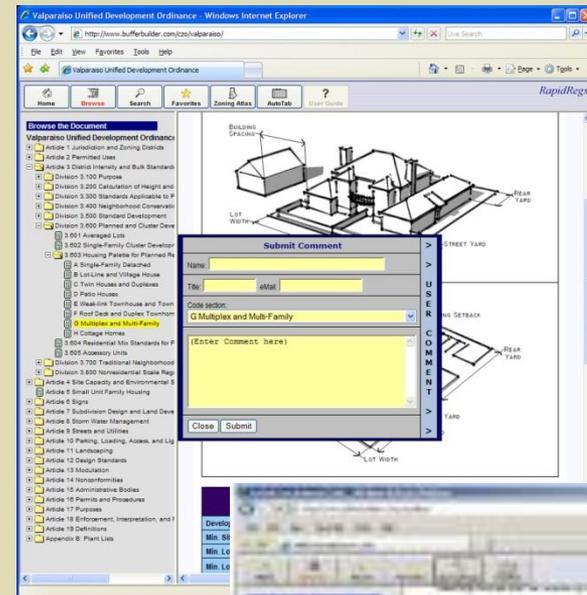


- Sec. 519.02 of the Ohio Revised Statutes states that a Township may establish architectural standards, excluding exterior building materials.
- Currently there are no provisions
- KKC recommends adding provisions for:
 - Building shape and articulation
 - Roof types
 - Building entry definition
 - Architectural detailing
 - Building color?

Creating a User-Friendly CZR



- Organized to maximize accessibility to different user types
 - “Casual”
 - “Technical”
- Clear and Understandable
 - Comprehensive cross-referencing
 - Vocabulary
 - Electronic Code Publishing, i.e., ZoningPlus™



Creating a User-Friendly CZR



- Uniform and Logical Numbering System

Chapter 1, Title

Article 1, Title

Division 1-1

Section 1-1-1, Short Title

A. Title of Paragraph. Text ...

1. *Title of Text.* Text ...

a. Text ...

i. Text ...

Proposed Annotated Outline



- **Chapter 1 – Purpose, Authority, Jurisdiction and Transition**
 - Article 1, Same
- **Chapter 2 – Zoning Districts and Land Use**
 - Article 2, Zoning Districts
 - Article 3, Land Uses
- **Chapter 3 – Density, Intensity, Bulk, and Scale**
 - Article 4, New Residential Neighborhoods
 - Article 5, Lot Standards and Housing Palette
 - Article 6, Existing Neighborhoods
 - Article 7, Nonresidential Scale, Bulk, Design
 - Article 8, Supplemental Standards

Proposed Annotated Outline



- **Chapter 4 – Signs**
 - Article 9, Sign Standards
- **Chapter 5 – Resource Stewardship and Environmental Quality**
 - Article 10, Same
- **Chapter 6 – Development Standards**
 - Article 11, General Development Standards
 - Article 12, Flood Damage Prevention
 - Article 13, Stormwater Management
 - Article 14, Parking, Loading, and Lighting
 - Article 15, Landscaping and Buffering

Proposed Annotated Outline



- **Chapter 7 – Administration**
 - Article 16, Nonconformities
 - Article 17, Administrative Bodies
 - Article 18, Certificates and Procedures
 - Article 19, Enforcement and Remedies

- **Chapter 8 – Measurements and Words**
 - Article 20, Word Usage, Measurements, and Definitions

Questions?



**BAINBRIDGE TOWNSHIP
COMPREHENSIVE ZONING RESOLUTION
(CZR)**

August 27, 2012