

**CHAPTER 414
Planned Residential Development Regulations**

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Sec. 414.1 PURPOSE.

These Planned Residential Development (PRD) regulations are established in order to encourage and accommodate, in a unified project, creative and imaginative Planned Residential Developments. It is intended that PRDs will utilize innovations in the technology of land development that are in the best interests of the Township and which are consistent with the residential objectives in the Montville Township Comprehensive Plan/Development Plan (Effective June 22, 2006) to preserve sensitive natural areas that contribute to the character of Montville Township. In order to accomplish this purpose, these regulations provide for a variety of dwelling types, including single-family detached, clustered, and attached single-family units.

These regulations are designed to achieve, among others, the following objectives:

- A. To allow flexible residential development on larger sites, especially sites that have natural features such as wetlands, natural lakes, ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas, which contribute to the character of Montville Township in order to preserve these natural features.
- B. To promote economical and efficient use of land and reduce infrastructure costs through unified development.
- C. To permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting residential areas.
- D. To minimize the impact of new development by reducing curb cuts onto major thoroughfares and collector streets.

- E. To ensure that Planned Residential Developments are compatible with surrounding single-family neighborhoods and comply with these objectives by requiring the submission of development plans and establishing a review process, authorized by Section 519.021 of the Ohio Revised Code, to ensure that all developments are consistent with the regulations.

Sec. 414.2 ESTABLISHMENT OF CONSERVATION AND CONTROLLED DENSITY PLANNED RESIDENTIAL DEVELOPMENTS.

The types of PRDs, and the districts in which they are permitted, have been broken down into two categories as set forth below. Where distinctions in the PRD regulations are needed based on the type of PRD permitted, such distinctions shall be identified in the applicable sections of this Chapter.

- A. Conservation PRDs: Conservation PRDs shall be permitted in R-R Districts, the objective of which is to conserve significant areas of open space, preserve the quality of ruralness, and maximize protection of the community’s natural features.
- B. Controlled Density PRDs: Controlled Density PRDs shall be permitted in R-1, R-2, and R-3 Districts, the objective of which is to provide alternative housing types and the preservation of open space through the flexible arrangement of buildings in a unified development. (Revised September 27, 2007)

Sec. 414.3 APPROVAL OF PLANNED RESIDENTIAL DEVELOPMENTS.

In addition to the general review procedures for development plans, the Zoning Commission shall review a proposed PRD to ensure that:

- A. Buildings and uses within the proposed development are located so as to reduce any adverse influences on and to protect the residential character of areas adjacent to the development;
- B. Significant buffer zones with adequate landscaping are provided between the proposed development and adjacent residential areas;
- C. The bulk and height of buildings within the proposed development are compatible with the surrounding development;
- D. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;
- E. The layout of parking areas, service areas, entrances, exits, signs, lighting, noise sources or other potentially adverse influences are designed and located to protect the residential character of areas adjacent to the development;
- F. The proposed landscaping is appropriate for the site and provides all season color through the use of deciduous and coniferous trees, shrubs and perennials.

Sec. 414.4 MINIMUM PROJECT AREA.

- A. The area proposed to be developed as a PRD shall be in one ownership, or if in several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PRD boundaries. The gross area of a tract of land in a PRD shall be:
1. Conservation PRD: 50 acres in an R-R District.
 2. Controlled Density PRD:
 - a) 50 acres in the R-1 District
 - b) 40 acres in the R-2 District
 - c) 40 acres in the R-3 District (Effective September 27, 2007)

Sec. 414.5 DWELLING TYPES.

The types of dwelling units that may be included as part of a PRD are listed below in Schedule 414.5, and are noted by the letter “X” for the district in which the PRD is located.

Schedule 414.5 (Revised September 27, 2007)

	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
A. Standard detached single-family dwelling	X	X	X	X
B. Detached cluster single-family dwelling	X	X	X	X
C. Attached single-family dwellings with not more than 2 units attached in one building	--	--	X	--
D. Attached single-family dwellings with not more than 5 units attached in one building.	--	--	--	X
-- Unit type not permitted.				

Sec. 414.6 DENSITY AND OPEN SPACE REGULATIONS.

The number of dwelling units permitted and the amount of restricted open space provided as part of any PRD shall comply with the following:

- A. Maximum Gross Density. The gross density of a PRD shall not exceed the maximum number of dwelling units per acre set forth below in Schedule 414.6 for the district in which the PRD is located. The maximum number of dwelling units permitted for a particular site shall be calculated by:

1. Deducting the following from the total project area:
 - (a) Any public right-of-way within the project boundary existing at the time the development plan is submitted; and
 - (b) The area of land that is within a floodway, designated wetland or existing water body that exceeds the minimum acreage required for restricted open space as set forth in Schedule 414.6. Where floodways, wetlands, and/or water bodies overlap, they shall be counted only once.
2. Multiplying the result of subsection 1 by the maximum number of dwelling units set forth in Schedule 414.6.

B. Maximum Net Density - Units on Any One Acre. The number of units permitted on any one acre of the site shall not exceed the net density set forth below in Schedule 414.6. An imaginary square, approximately 209 feet by 209 feet, shall be used to determine the maximum number of units on any one acre of the site. This number will be determined by the number of full units and the total of the partial units added together to meet the allowed number of units. (Revised September 27, 2007)

C. Minimum Restricted Open Space. A portion of the total project area shall be devoted to restricted open space in compliance with the minimum requirement set forth below in Schedule 414.6 and as further required in Sec. 414.7.

D. Schedule 414.6: (Revised September 27, 2007)

	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
1. Maximum gross density	0.4	0.8	1.6	3.2
2. Maximum net density on any one acre				
a) Single-family units	2	4	5	6
b) Attached units	--	--	5	8
3. Minimum restricted open space	50%	35%	35%	35%

Sec. 414.7 RESTRICTED OPEN SPACE REQUIREMENTS.

- A. General Standards. The restricted open space in any PRD shall comply with the following:
1. Restricted open space shall be designed and located to conserve significant natural features and historical and/or cultural elements located on the site.
 2. Areas designated for restricted open space purposes may be:
 - a) Preserved in its natural state as wetlands, woodlands, lakes or ponds, historic lands, environmentally sensitive areas, or similar conservation-oriented area;
 - b) Used for outdoor active or passive recreation. Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purposes as determined by the Zoning Commission. Where deemed appropriate by the Zoning Commission, recreation areas shall be provided with appropriate parking and access;
 - c) Utilized for farming when authorized in a conservation easement or in the Association's covenants and restrictions.
 3. Restricted open space shall be interconnected with restricted open space areas on abutting parcels.
 4. Restricted open space shall not be less than 50 feet in width at any point.
 5. In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
 - a) Private roads and public rights-of-way;
 - b) Parking areas, access drives, common drives and driveways, except as otherwise permitted by the Zoning Commission when providing access to the restricted open space;
 - c) Required setbacks for buildings and parking areas from the project boundaries and streets, unless the required setback is contiguous to and part of a larger area of restricted open space.
 - d) Required spacing between buildings and between buildings and parking areas;
 - e) Private yards within subdivided lots; and
 - f) A minimum of 15 feet between buildings and restricted open space.
 6. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation that is compatible with the natural characteristics of the site. At a minimum, any disturbed area within the restricted open space shall be

landscaped no later than when 35% of the dwelling units included in the phase in which the restricted area was disturbed are constructed.

7. Such restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan. If the project is to be developed in phases, the phase(s) in which such facilities will be started and completed shall be indicated on the phasing plan. At a minimum, construction of any proposed recreation facilities shall begin no later than when 35% of the residential units have been completed.

B. Prohibition of Further Subdivision of Restricted Open Space. Restricted open space shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Medina County.

C. Ownership of Restricted Open Space. Subject to such permanent restriction as set forth above, restricted open space may be owned by an association, the Township, a land trust or other conservation organization recognized by the Township.

Sec. 414.8 SUPPLEMENTAL REGULATIONS FOR CONSERVATION PRDS.

Conservation PRDs shall be further regulated as follows:

A. On-Site Systems Located in Restricted Open Space Areas. Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas when such facilities are so located and developed in a manner consistent with the purposes and requirements of the restricted open space and as further regulated by the Medina County Health Department. Any system or portion of system placed in the restricted open space shall be individual systems located in easements that enable the individual owner to conduct proper maintenance of the system.

B. Development Design Criteria. The area chosen to be set aside as the restricted open space shall achieve, to the maximum extent practicable, the following design criteria. In some cases it may not be possible to achieve all of these criteria, therefore the Township Zoning Commission shall consider the extent to which the project is designed so that:

1. The design and layout of the development conserves and incorporates existing wooded areas, meadows, and hedgerows or treelines between fields or meadows, especially those containing significant wildlife habitats.

2. Riparian and wetland setbacks have been provided pursuant to Chapter 570. (Revised 12/24/09)
3. The development plan avoids alteration of or construction within natural drainage ways and utilizes low impact storm water management techniques such as grassy swales to the practicable extent possible.
4. Steep slopes are protected from clearing, grading, filling, or construction.
5. Structures are located to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.
6. Protection is provided for wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.
7. Sites of historic, archaeological, or cultural value and their environs are protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

Sec. 414.9 SUPPLEMENTAL REGULATIONS FOR CONTROLLED DENSITY PRDS.

- A. Each use and all dwelling units in a controlled density PRD shall be served by central water and sanitary sewer facilities, underground utilities, and cable TV.
- B. In R-1 and R-2 districts, the maximum percentage of single-family attached units shall not exceed 35% of the total dwelling units permitted in the controlled density development. (Revised September 27, 2007)
- C. In R-3 districts the single-family attached units shall not exceed 60% of the total dwelling units permitted in the controlled density development. (Effective September 27, 2007)

Sec. 414.10 DEVELOPMENT REGULATIONS FOR CONTROLLED DENSITY PRDS (Revised 12/24/09)

The following specific development standards shall be adhered to in the design and layout of any PRD.

- A. Minimum Setbacks. All buildings, structures and parking areas shall comply with the minimum setbacks set forth in Schedule 414.10 below.

B. **Minimum Spacing Between Buildings.** In order to ensure reasonable privacy and separation, individual buildings including terraces, decks and patios shall be separated by the minimum spacing set forth in Schedule 414.10. These distances may be reduced when the Zoning Commission finds that adequate landscaping and screening is provided to ensure privacy between units. The following definitions shall apply to terms used in this Section.

1. **Front Wall.** The outside wall of a building that contains the primary entrance to the unit and the windows of any living, family or dining room
2. **Rear Wall.** The outside wall of a building that contains the primary and/or other windows of any living, family or dining room but not the primary entrance to the unit.
3. **Side Wall.** An outside wall that is not a front wall or rear wall of a building, which may be blank or contain windows not considered to be primary windows.

C. **Schedule 414.10. Minimum Setback and Spacing Requirements. (Rev. 9/27/07)**

	Conservation PRD	Controlled Density PRD		
	R-R	R-1	R-2	R-3
1. Setback from existing public street right-of-way	70 ft.	70 ft.	50 ft.	50 ft.
2. Setback from project boundary, other than a public street	70 ft.	50 ft.	50 ft.	40 ft.
3. Setback from interior street:				
a) Public right-of-way	40 ft.	40 ft.	40 ft.	40 ft.
b) Private street pavement	25 ft.	25 ft.	25 ft.	25 ft.
4. Spacing between buildings:				
a) Between 2 front walls	60 ft.	50 ft.	40 ft.	30 ft.
b) Between 2 side walls	30 ft. ^(a)	20 ft. ^(b)	15 ft. ^(b)	15 ft. ^(b)
c) Between a side wall and a front or rear wall	45 ft.	35 ft.	25 ft.	25 ft.
d) Between 2 rear walls	60 ft.	50 ft.	40 ft.	30 ft.
^(a) 10 ft. minimum clearance from lot line (Effective June 22, 2006)				
^(b) 5 ft. minimum clearance from lot line (Effective June 22, 2006)				

- D. Minimum Setback for Interior Streets. Interior streets shall be located a minimum of 20 feet from a PRD boundary, except as necessary to traverse this required setback to provide access to an existing public street right-of-way.

- E. Lot Requirements.
 - 1. Ownership of land for standard single-family dwellings and under each detached cluster single-family or attached dwelling unit is permitted. There shall be no area dimensions required for lots, however each shall be of sufficient size and shape to accommodate a dwelling unit in compliance with the spacing requirements of this Section. All land not individually owned shall be designated as common area and controlled by the association as set forth in Sec. 414.13.
 - 2. The applicant shall depict on the development plan all lots and the maximum parameters, or building envelopes that indicate where buildings will be located, and shall demonstrate that such building location will be in compliance with the spacing requirements of this Section.

- F. Required Buffer. When attached single-family units are proposed in the R-2 or R-3 District, a buffer area with a minimum width of 20 feet shall be located within the required setback from the project boundary specified in Schedule 414.10 and shall be landscaped in accordance with Chapter 530. Such buffer shall be located in the common area. (Revised 09/27/07 and 07/23/09)

Sec. 414.11 DWELLING UNIT REQUIREMENTS.

Each dwelling unit shall comply with the minimum floor area for single-family dwelling units and siting requirements, accessory use regulations, and other regulations pertaining to single-family dwellings set forth in Sections 410.7 through 410.11. Accessory buildings are not permitted in cluster home areas. (Effective June 22, 2006)

Sec. 414.12 STREET, DRIVE AND WALKWAY REQUIREMENTS.

- A. General Street and Drive Design Criteria.
 - 1. The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
 - 2. Street alignments should follow natural contours and be designed to conserve natural features.

3. The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
4. A street shall be required to be a public, dedicated street when such street:
 - a) Provides access to detached single-family dwellings on subdivided lots.
 - b) Is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries, or is expected to accommodate pass-through traffic going to and from adjacent developments. However, such through streets shall not be permitted when they are inconsistent with the objectives and policies of the Montville Township Development Plan and/or such streets result in an unnecessary adverse impact on the Township's natural environmental features.
5. Streets that are not otherwise required to be public streets pursuant to subsection (4) above may be approved as private streets. The Zoning Commission may approve private streets when all of the following requirements are met:
 - a) A private street shall not be planned or be expected to extend to serve property outside the planned residential development.
 - b) Right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.
 - c) The design and layout of the private street(s) shall provide adequate and safe access to the intended units, as determined by the Montville Township Police and Medina City Fire Departments.
6. When serving 20 or fewer units, private streets may be constructed to a design speed less than 25 mph when the Zoning Commission determines that a lower design speed is appropriate to achieve the objectives of the development. Such private streets shall comply with the following:
 - a) The minimum pavement width shall be 18 feet for a two-way street and 16 feet for a one-way street.
 - b) Horizontal and vertical alignments shall meet a 20-mph design speed.
 - c) Turnarounds with a radius equal to that required by the Medina County Subdivision Regulations for public streets shall be provided for any single access private street that exceeds 800 feet.
7. All private streets shall be identified by street signs that state "Private" or "Pvt" and such signs shall be in place prior to the sale of any dwelling unit on such street.

8. All elements of a private street that are to be provided in a conservation or controlled density PRD shall be constructed in accordance with the construction standards set forth for public streets in the Medina County Subdivision Regulations.
9. Common Drives: Common drives shall be permitted in compliance with the following requirements:
 - a) A common drive shall serve no more than four units.
 - b) A common drive shall extend from a public street or a private street and shall not connect to any other existing or planned public or private street.
 - c) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Medina City Fire Department.
 - d) Right-of-ways are not required for common drives; however, a 10-foot wide utility easement shall be required along the length of the common drive, unless the Zoning Commission determines that such easement is unnecessary.
 - e) All common drives shall be paved and have a minimum width of 12 feet for one-way drives and a minimum width of 18 feet for two-way drives. Dead-end drives providing access to two or more units shall be designed with a turn-around, unless otherwise permitted by the Medina City Fire Department.
10. Whenever a private street or common drive is included in a planned residential development, deed restrictions shall be required and shall specifically include the following language:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or common drive.”

B. Pedestrian Circulation and Walkways.

1. A pedestrian circulation system shall be included in the PRD and should be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, “pedestrian crossing” signs shall be posted.

2. A trail system may be provided within the area of restricted open space. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent possible, natural materials should be used in the construction and maintenance of the trail system.

Sec. 414.13 OWNERS ASSOCIATIONS.

As part of a planned residential development, a homeowners association, community association, condominium association or similar legal entity shall be created so that such association is responsible for the maintenance and control of common areas, including the required restricted open space.

- A. The Township shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:
 1. Membership in the Association shall be mandatory for all purchasers of units in the development.
 2. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.
- B. Common areas shall be prohibited from further development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township.
- C. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without (i) an affirmative vote of 60% of its members, (ii) having established a successor entity to take over said property pursuant to the Township's zoning resolution; and (iii) the approval of the Township Board of Trustees.
- D. The Association shall convey to the township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.
- E. Such association shall submit to the Township Zoning Office annually a current list of association officers.

- F. A certified copy of all Covenants and Restrictions relating to the Planned Residential Development as filed with the Medina County Recorder's Office shall be submitted to the Township Zoning Office in compliance with Chapter 320, Sec. 320.7.

Sec. 414.14 PHASED DEVELOPMENT.

If development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth above. 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. Restricted open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of recreation facilities shall be clearly identified on a phasing plan.

Sec. 414.15 PLAN APPROVAL.

The applicant for a planned residential development shall submit development plans in accordance with Chapter 720.

Note: Section 414.15 WAIVERS.
Removed – Effective September 27, 2007

Section 414.10 G. Resource Protection Regulations
Removed – Effective December 24, 2009