Planning Commission
App. No. 016-2023-TA

Zoning Text Amendment

Liverpool Township

Meeting:	April 5, 2023
Applicant:	Liverpool Township Zoning Commission (ZC)
Hearing:	April 6, 2023 (ZC)
Amendments:	Section 216, (E)(3) and (F)(1) Section 306.4(G) Article XI – Definitions
Reviewer:	Denise Testa
Recommendation:	**APPROVE WITH MODIFICATION**

Proposal: The ZC has submitted the following proposed zoning text amendments to the Liverpool Township Zoning Resolution (ZR) for review by the Planning Commission.

New text is underlined, deleted text is ~~strikethrough~~, and Department of Planning Services (DPS) staff comments are ***italicized***.

ARTICLE II, Section 216

E. Conformance with Site Plan

3. To secure full compliance with an approved site plan, the Zoning Inspector or the Board of Zoning Appeals shall require a ~~performance bond or other similar financial guarantee~~ Performance Bond/Security Deposit Agreement to be submitted by the developer or builder. The bond or funds will be deposited and retained by the Township Fiscal Officer. The purpose of the ~~performance bond~~ Performance Bond/Security Deposit Agreement is to protect the Township from any potential cost which might be incurred in correcting failures of a developer/builder to fully comply with the requirements, conditions, and safeguards contained in the approved site plan. Examples of such costs may include, but not be limited to, those incurred in completing a development or construction, correcting any unsafe conditions, and/or mitigating situations which create a nuisance.

    a. The required amount of ~~funds in the performance bond~~ the Performance Bond/Security Deposit Agreement shall be ten percent (10%) of the estimated cost of the development or construction at its completion. The estimated cost shall be provided by the developer or builder and will be approved by the Zoning Inspector after sufficient data and supporting information are provided to confirm its accuracy.

    b. The ~~performance bond funds~~ Performance Bond/Security Deposit Agreement shall be released to the developer or builder only after the Zoning Inspector determines that the development or construction as described in the approved site plan has been completed and complies with all the requirements, conditions, and safeguards specified in that plan. If all the requirements, conditions, and safeguards have not been satisfied, the Township Trustees may decide to retain

some amount of ~~performance bond~~ Performance Bond/Security Deposit Agreement funds at the recommendation of the Zoning Inspector. The amount of funds retained will be based on the estimated costs necessary to correct those failures to comply with the approved site plan and will only be used for that purpose.

(Section 216(E) rewritten. Recommended 10/03/2019. Adopted 1/21/2020.)

F. Issuance and Revocation of Zoning Certificate

1. Upon the approval of a site plan application and the deposit of a ~~performance bond or other financial guarantee~~ Performance Bond/Security Deposit Agreement in an appropriate amount, the Zoning Inspector, for permitted uses, or the Board of Appeals for conditionally permitted uses, shall issue a zoning certificate specifying the conditions of the approval. If a zoning certificate expires (Section 804F), any deposit of a ~~performance bond or financial guarantee~~ Performance Bond/Security Deposit Agreement shall be returned to the depositor, and each application thereafter shall be accompanied by the required data and fees.

The replacement language, "Performance Bond/Security Deposit Agreement," formalizes and defines the process and clarifies required documentation allowing the Township to legally enforce the agreement.

ARTICLE III, Section 306.4
Permitted Uses (C-1 Commercial District)

G. Agriculture, horticulture, or floricultural and associated activities permitted only on dedicated open space.

ARTICLE XI, Definitions

~~Dwelling – Any building which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.~~

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The dwelling unit may include any accessory space intended for the exclusive use of the occupants of an individual dwelling unit such as a private garage, greenhouse, etc.

This ZR definition is consistent with the Ohio Residential Code 2013.

Periphery - the exterior boundary of the entire CDZ subdivision.

According to the Liverpool Township Zoning Resolution, the purpose of the Controlled Density Zoning (CDZ), Overlay District, "…encourages the permanent preservation of relatively large tracts of land (consisting of, but not limited to, open natural areas, woodlands, greenway systems, wildlife habitats, flood plains, agricultural lands, wetlands, and

waterways) of the Rural Residential District. These provisions and requirements are established as alternatives to a number of the residential lot requirements found elsewhere in the Resolution…"

Section 306.8 General Requirements

B. Periphery side and rear yard requirements

1. ***The minimum side yard and rear yard requirements at the periphery of the Controlled Density Zoning subdivision shall be the same as Section 301.4.***

In order to remain consistent within the ZR, staff recommends capitalizing the first word in each definition. The addition of the periphery definition is an effective strategy to clarify the boundaries of a CDZ subdivision.

Department of Planning Services Recommendation: Staff recommends the Planning Commission **APPROVE WITH MODIFICATION** the proposed amendments to the Liverpool Township Zoning Resolution.