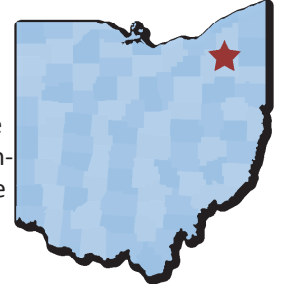


## Conservation Development PUD City of Aurora, Portage County

Over fifty communities in Ohio have adopted Conservation Development regulations, which provide the developer with flexibility to develop subdivisions while preserving significant site resources. Conservation Developments are essentially planned unit developments with high standards for protected open space – from 40 to 60% or more, depending on the community. The goal is to allow the same number of homes as the underlying zoning, while preserving open space and natural resources on-site. This most often is achieved by providing flexibility to reduce lot sizes. The result often can preserve more contiguous woodlands, wetlands and streams, and other natural features, than a standard development approach, and helps to protect watershed quality as well.



The City of Aurora was among the earliest adopters of conservation development regulations in the state. An early Planned Development district, adopted in the 1960's, resulted in several successful developments which preserved significant amounts of open space. The city later passed a then state-of-the-art Conservation Development district code in 1999. Development has proceeded under both codes, and the City has made some adjustments over time. This case study tells the City's story.

### **The City of Aurora**

The City of Aurora, an incorporated city of approximately 16,000 people, is located in Portage County in Northeast Ohio. It is about 22 miles southeast of Cleveland. From 2000 to 2010 it grew from about 13,500 to 15,500, according to the US census. Aurora's attractiveness to new residents has been spurred in part by its highly ranked public schools, its proximity to interstate freeways, and its permanent preservation of large areas of open space.

Aurora has placed a high priority on open space protection for many years. In addition to ensuring open space protection in subdivisions through its Planned Development and Conservation Development zoning districts, the City has also acquired substantial open space for parks and natural areas. Approximately 2,600 acres, or 17% of Aurora's available land area is preserved as passive parks or under a conservation easement, and most of the preserved land is in large contiguous parcels containing high-quality stream corridors, forests, and wetlands. The City also adopted riparian setback (stream setback) and wetland setback ordinances in 2006, which place zoning protections on streams and wetlands similar to side yard or front/back yard setbacks on a lot.

The City has full centralized sewers throughout. This has provided the City with flexibility in development design, density, and layout, without concern about accommodating onsite wastewater systems.



### **The City's Early Planned Development District**

The City first adopted of Planned Development zoning district (PD) in the late 1960s. This zoning designation was primarily used for residential development with 2.2 dwelling units per acre maximum.

The regulation required developers to devote at least 20% of the acreage to public and/or private open space or recreational facilities ("exclusive of parking areas and single-family residential lots"), but most of the developments implementing the PD code dedicated more, up to 40% open space. The PD code also required a rezoning of the property, which made PD developments subject to referendum. While several developers were successful in their applications for rezoning to PD, this provided some risk.

David Lipstreu, former Planning, Zoning and Building Director of Aurora, comments that the Walden PD, as the first PD in the City, was a good development project. It attempted to fit structures with the overall landscape, and saved a lot of trees. The development had a lot of condominiums but also single family residences. Other development projects which were completed under the PD code included Barrington, the Homestead, and Hawthorne. Walden and Barrington featured golf courses, but The Homestead and Hawthorne, developed later, focus their open space on the natural landscape.

When the City did a major revision of its codes in 1999, the 1960s vintage Planned Development district was frozen. No new districts have been adopted under the PD code since. However, the code is still applied to development projects that were approved prior to 1999, since there are some phases that are yet to be built out.

### **The 1999 Residential Conservation Development Code**

In 1999, a Residential Conservation Development (RCD) zoning district was adopted by the City with voter approval. This new code accomplished two things: it updated the flexible subdivision idea to include state-of-the-art open space-preserving standards, and it reduced risk for the developer through its structure as a conditional use overlay. The code was put in place simultaneously with adoption of a major rewrite of Aurora's development codes, including zoning, subdivision regulations, and storm water management regulations.

A key feature of the RCD district is that it requires 40% restricted open space. Density requirements are consistent with the specific underlying residential district. The code, when originally adopted, applied to R-1 (.67 dwelling units/acre), R-2 (.33 dwelling units/acre), R-3 (1.5 dwelling units/acre), and R4 (2.5 dwelling units per acre). Density is calculated as "statistical" density (direct division of the total project acreage by the density required), but the Planning Commission retains the ability to adjust the density allowed, based on site and development conditions.

In 2015, the applicability of the RCD code was revised to exclude the R-3 and R-4 designations. Currently, the code applies to R-1, R-2 and Mixed Use (2.5 dwelling units per acre) districts only. These district locations are shown on the City's zoning map, available on the City's web site. (see references)

Currently, there is one approved RCD project, known as The Villas at Bertram, located in an R-4 district on the southwest corner of Treat Road and Chillicothe Road. The project is under construction as of fall 2015 and consists of detached single-family condominiums. Four additional applications for RCD projects have been filed, and are under review as of fall 2015; two in R-4, and two in R-2 districts.

Ryan Homes, the developer of The Villas of Bertram, had already sold 50 units (with 91 more approved) as of summer 2015. The configuration of the lots allows for more clustering via setbacks of only 35 feet from the right-of-way and 20 feet between units. The required open space is maintained for private use.

### **The 2013 Master Plan**

In 2013, Aurora's new Master Plan was adopted by City Council. The plan detailed the community's longstanding interest in conserving unique natural features and environmental quality. For example, groundwater protection:

"The area of highest groundwater pollution potential is located in the extreme southwest corner of the City, within Tinker's Creek State Park. In general, the City is characterized by low groundwater pollution potential, with the highest index rating being 159- the middle of the scale. Higher intensity land uses, such as industrial uses, should be located in areas with low ground water pollution potential to limit potential ground water contamination" (p. 29).



The Plan notes that by working with organizations such as Chagrin River Watershed Partners, Inc. (CRWP), the City of Aurora has endeavored to consistently protect, restore, and improve water quality within the Chagrin River Watershed. The City's purchase of various farms and other large properties has helped to ensure that vital groundwater and wetland resources are preserved in perpetuity, showing the City's commitment to "preserving vital City natural resources for the enjoyment of future generations" (p. 29).

The existing PD and RCD codes were supported in the Master Plan, for example: "Open space, and the preservation of wetlands, during subdivision planning, is further encouraged in the plan update" (p. 31).

### Public Opinion and Lessons Learned

The City has strong ongoing voter support for the PD and RCD codes and the riparian setback code, as well as open space acquisition for parks, natural areas, and recreation. Current city planner, Meredith Davis, noted that the RCD was put in place with the "best of intentions: to preserve the natural landscape of Aurora [along with] wetlands and rural areas."

According to David Lipstreu, a former planning director, the RCD code was an acceptable improvement, because it applied to single family detached homes, and required more open space.

The RCD ordinance was further revised in 2015. Since then, the RCD does not allow condominiums. The RCD is still allowed as a conditional use, but only in the larger R-1 and R-2 zones.

Beyond the four development projects under application, Ms. Davis does not foresee many new RCD developments in the future. Open land parcels greater than 25 acres, the required minimum, are scarce in the City as it approaches buildout.

Rich Wehrenberg, former planning director, noted that Ryan Homes initially proposed wetlands mitigation for The Villas at Bertram. They eventually agreed to develop the property as an RCD, thus preserving the existing wetlands on-site. The Aurora Planning Department facilitated communication among many different interests, including elected officials who wanted the development to contain larger single family homes, environmental interest groups concerned with the destruction of wetlands and the subsequent decline in water quality, and developers concerned with short and long-term costs.

Christina Znidarsic of the Chagrin River Watershed Partners, Inc. (CRWP) notes that while Aurora's 40% open space requirement for their Conservation District is a good minimum, some communities require 50-60% or more open space for conservation development districts, depending on their lot sizes and density requirements.

Ms. Davis agrees. She notes that some cities have an ordinance that would require more open space (in the 50-60% range) in exchange for greater density and more flexible set-back requirements.





Richard Wehrenberg, former Aurora planning director, remains a strong supporter of protecting Aurora's watershed. He saw the environmental benefits of the RCD but appreciated being able to discuss the other components of the ordinance - compact development, lower infrastructure costs, etc. - when bringing a conditional use proposal to elected and appointed committee officials.

Community officials have noted that it takes a confluence of events to bring about a change such as the passage of the RCD ordinance in 1999. That is likely what happened in Aurora in the late 1990s:

- The EPA had passed Phase II stormwater regulations;
- The City of Aurora became a partner with CRWP in their work to minimize flooding and protect water quality;
- The city passed a \$6.5 million dollar city bond issue to acquire land for recreation;
- The Aurora Conservation Council, formed in 1999 (MYNMC, 2015), Audubon of Greater Cleveland and other environmental groups were reaching maturity in their advocating efforts for local environmental concerns, and
- A rewrite of the development code, was also happening at the time.

Mr. Lipstreu believes that the RCD is a good resource, but noted that some cities make conservation development a permitted use and conventional development a conditional use. There are also opportunities to provide greater protection for trees and wetlands through city regulations.

In conclusion, Lipstreu notes that if an ordinance is passed that regulates development, usually the developer will follow it. Developers who do their homework in familiarizing themselves with the city's regulations and who meet early and regularly with City staff fare much better in the approval process and in the quality of the development, with fewer surprises.

## Bibliography

Arbor Day Foundation Website. (2015). 2014 Tree City USA Communities in Ohio. Accessed on the web, 2015, <http://www.arborday.org/programs/treeCityUSA/treecities.cfm?chosenstate=Ohio>

Aurora, City of. (2013). 2013 Master Plan Update, Prepared with Assistance from: McKenna Associates.

Chagrin River Watershed Partners (CRWP) Website. (2015). Accessed on the web, 7/20/15, <http://www.pepperpike.org/about/community-resources/chagrin-river-watershed-partners-inc>.

Christina Znidarsic, 6/29/15, interview with Steven Kanner. Staff member of the Chagrin River Watershed Partners (CRWP), in Ohio.

David Lipstreu, 7/16/15, interview with Steven Kanner. Former City of Aurora, OH Planning Director.

Lee Benson, 6/29/15, interview with Steven Kanner. Water and Monitoring Division Manager of Portage County, OH.

Meredith Davis, 6/30/15, interview with Steven Kanner; and 10/30/15, interview with Kirby Date. Planner, City of Aurora, OH.

Richard Wehrenberg, 7/6/15, interview with Steven Kanner. Former City of Aurora, OH Planning Director.

MYNMC Website. (2015). History. Accessed on the web, 7/20/15, <http://www.mymnc.org/about/history.php>.

United States Census Website (2014). American Fact Finder, Accessed on the web, 2014, [http://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml)).

Walter H. Drane Company Website, The. (2015). Codified Ordinances of Aurora. Accessed on the web, 3/18/15, <http://whdrane.conwaygreene.com/NXT/gateway.dll?f=templates&fn=default.htm&vid=whdrane:OHAurora>.

