

Checklist for Code Review: Best Local Land Use Practices

PLEASE NOTE THAT THIS CHECKLIST IS DEVELOPED FOR USE AS A GENERAL GUIDELINE BY COMMUNITIES. ANY ACTUAL CODE REVIEW SHOULD BE DONE IN CONCERT WITH PROFESSIONAL ASSISTANCE, TO ENSURE THAT COMMUNITY-SPECIFIC NEEDS ARE ADDRESSED, LEGAL REQUIREMENTS ARE MET, AND CODE CHANGES ARE INTERNALLY CONSISTENT.

This document is a supplement to the Ohio Balanced Growth Program’s Best Local Land Use Practices guidance document, Linking Land Use and Ohio’s Waters. Extensive reference information and explanations are included there. See link: <http://balancedgrowth.ohio.gov>. In particular, see the chapters on comprehensive planning; storm water management and erosion/sediment control; stream, floodplain and wetland protection; conservation development; compact development; tree and woodland protection; natural areas management. Key state agency resources include the Ohio Department of Natural Resources, Division of Forestry; ODNR, Division of Soil and Water Resources – Floodplain Program; Ohio EPA – Division of Surface Water; and Ohio Development Services Agency.

Code Item or Category	Recommended	In Existing Code? Y/N	Comments/Notes
DEVELOPMENT REGULATIONS			
Typically found in subdivision regulations or development regulations; some provisions may be in building codes or plumbing codes.			
Street Design			
What is the minimum pavement width allowed for streets in low volume residential developments that have between 20 and 50 homes?	24-26 feet is recommended with on-street parking; 20 feet without on-street parking.		
Can pervious paving materials be used for some portion of the street (e.g., parking lanes, alleys)?	Yes		
Does the code permit 20 mph design speeds on low-level (less than 50 homes) streets?	Yes		
Does the code permit private streets?	Yes, with pavement section/quality matching public installation requirements.		
Does the code require street design to accommodate ingress/egress during flood events?	Yes		
Does the code allow for the development of green, or shared, street concepts?	Yes		
Rights-of-Way			
What is the minimum right of way (ROW) width for a residential street?	Recommended is 60 feet in rural areas, 40 feet in urban or suburban areas.		

Are curb and gutters required for new streets?	No. Curb and gutter should be provided when needed per engineering analysis of storm water needs.		
If curb and gutters are required, are curb cuts allowed to provide entrance to the storm water management system?	Yes		
Is storm water management permitted in the ROW?	Yes. This would include bioretention, open channels, etc.		
Cul-de-Sacs and Turnarounds			
What is the minimum pavement width allowed for cul-de-sacs?	12 to 20 feet from the edge to the island or center is recommended, depending on radius.		
Can a landscaped island be created within the cul-de-sac?	Yes		
Can a landscaped island be used for storm water management?	Yes. This means that mounding is not required.		
Can cul-de-sac streets be sloped toward the island, to accommodate storm water management in the island?	Yes		
Are alternative turnarounds such as "hammerheads" allowed?	Yes		
Lot Design			
Are all front yards required to drain positively to storm water infrastructure?	Yes		
Are downspouts required to be disconnected, and discharging away from the foundation toward adequate stormwater treatment which may be designed into the landscape?	Yes		
If downspout disconnection is not required, are standards at least included for safe disconnection?	Yes		

Stormwater Runoff Requirements			
Is post-construction storm water management required for disturbances over 1 acre?	Yes. A smaller size is recommended for commercial properties in existing or redevelopment situations to encourage retrofits.		
Is rainfall data analysis required to use NOAA Atlas 14 to determine volume for a 1-year, 24-hour storm?	Yes. This source is kept up to date.		
Do storm water runoff requirements address water quality, flood control and peak rate of discharge?	Yes		
Are there effective design criteria for stormwater best management practices (BMPs)?	Yes, as reference to a separate design manual, ODNR's Rainwater and Land Development preferred.		
Are redevelopment projects required to provide post-construction stormwater management and water quality treatment for sites over 1 acre?	Yes		
Are there established design criteria for swales that can provide stormwater quality treatment (i.e., dry swales, biofilters, or grass swales)?	Yes, as reference to a separate design manual, ODNR's Rainwater and Land Development preferred.		
Is stormwater on new development required to be managed to meet estimated pre-development levels for quantity, quality and peak flow?	Yes		
Are open channels identified as a preference to piped solutions?	Yes, as appropriate.		
Clearing and Grading Requirements			
Are the limits of clearing and grading required to be minimized?	Yes		
Are the limits of clearing and grading required to be shown on submitted plans?	Yes, at the Preliminary Plan plans and on construction drawings.		

Are the limits of clearing and grading, as approved, required to be clearly marked prior to any construction?	Yes		
Are sensitive features including trees to be preserved, stream and wetland setbacks, steep slopes, required to be clearly marked prior to construction?	Yes		
Administration and review			
Is a pre-application stage included in the design phase, with concept sketch plan review and input from key community and/or county departments?	Yes		
If homeowners' associations will be maintaining storm water facilities, open space, and/or other common facilities, does the code have minimum provisions for homeowners' associations – mandatory membership passing with each sale of each home, adequate fees to cover maintenance and capital improvements, requirements for local community review of covenants/restrictions?	Yes		
Are all stormwater BMPs required to be located on easements held by the community, and maintained by a stormwater utility, local government, or adequately equipped homeowners' association?	Yes		
If the property owner desires to maintain the stormwater BMPs, is there a long-term maintenance agreement providing a mechanism and authority for the community to remedy any problems, upon due notice?	Yes		
Is a 25 foot access easement required to all stormwater BMPs?	Yes		
Are provisions for maintenance and inspection required?	Yes		
PARKING LOT DESIGN REQUIREMENTS			Typically found in zoning and/or development regulations.
Parking Lot Ratios and Quantity of Spaces			
Are parking ratios based on local demand data?	Yes		
If parking ratios are not based on local demand data, are they based on the American Planning Association current recommendations?	Yes		
Are parking ratios set as maximum or a range, rather than minimums?	Yes		
Does the code have provisions allowing shared parking among uses?	Yes		
Is a shared parking agreement required?	Yes		

Are parking requirements reduced if mass transit is within walking distance?	Yes		
Are parking requirements reduced if bike parking is provided?	Yes		
Is bicycle parking required?	Yes		
Is land banking permitted for later development of additional parking spaces?	Yes		
Is in-lieu parking permitted (such as a fee) in designated parking districts, if	Yes		
Parking Lot Layout			
What is the minimum stall width and length for a standard parking space?	9 feet x 18 feet		
At parking lots over 100 spaces, what is the percentage of the spaces required to have smaller dimensions for compact cars?	20% minimum		
Are overhangs permitted to be landscaped rather than paved?	Yes		
Are diagonal one-way parking layouts permitted and encouraged?	Yes		
Are drive lane width requirements based on the angle of parking?	Yes		
Can pervious materials be used?	Yes		
Are there any incentives to developers to provide structured or tiered parking rather than surface parking lots?	Yes		
Parking Lot Storm Water Management Provisions			
What is the minimum percentage of a parking lot required to be landscaped?	10% minimum		
Is the use of bioretention islands and other stormwater practices within landscaped areas or lot yard (front, side or rear) setbacks allowed and encouraged?	Yes		
Is mounding of landscaped islands and panels required?	No		
Are curb cuts permitted, to allow water flow into the landscaped areas?	Yes		
MINOR SUBDIVISIONS		Rural areas – typically in County subdivision regulations	
Are there areas in the community where lot splits along the frontage can occur? If so...			
Are the lot sizes in this area appropriate for access management safety, and infrastructure needs?	Yes, with demonstrated analysis		
Does the community permit common access drives to reduce continuous road frontage development?	Yes		
Is the code written to minimize flag lot arrangements?	Yes		
Is the code written to provide for a management/access agreement?	Yes		

FLOOD DAMAGE REDUCTION REGULATIONS		Typically at the County or community level	
Does the community have a floodplain regulation in place?	Yes. If a township, these regulations may be at the county level.		
Is development a conditional use in the floodplain (not just the floodway)?	Yes, with review criteria conforming to established health and safety standards, and with flexible development standards (such as front and side yard setbacks) to enable avoidance of the floodplain where possible.		
Is the lowest floor (basement or slab) of the building required to be at least 2 feet above the Base Flood Elevation?	Yes. In A zones without a detailed flood study, this should be 2 feet above the Highest Natural Adjacent Grade.		
Does the community require compensatory storage onsite of any fill in the 100-year floodplain?	No compensatory storage permitted. Development should be designed not to impact flood capacity of the stream, but if necessary, compensatory storage onsite is better than none.		
Materials storage: does the code require commercial applicants in a flood zone to demonstrate adequate storage and protection of materials in case of flood?	Yes		

STREAM AND WETLAND PROTECTION		Typically found in zoning code (townships) or a standalone regulation (counties – municipalities)	
Setback width and application			
Is there a code in place that establishes a setback width along streams and rivers?	Yes		
Is there a code in place that establishes a setback width around any wetlands to remain on the property?	Yes		
Has the community examined the appropriate setback widths along their streams and rivers?	Yes, based on available research and map analysis.		
Is there a map available to developers/landowners illustrating the setback width?	Yes		
If wetlands occur along the stream frontage, does the setback width widen to accommodate them?	Yes		
Is the setback expanded to include the 100-year floodplain?	Yes		
If less than the 100-year floodplain, what are the criteria used to determine the appropriate setback?	Reduced only for specific hardship circumstances prevalent across a district.		
Setback permitted activity			
Does the code prohibit construction of any kind within the setback width?	Yes		
Are pavements, foundations, walls, fences, stormwater facilities, and wastewater facilities permitted within the setback?	No		
Are there any landscaping provisions within the setback?	Encourage native vegetation and trees		
Administration and monitoring			
Are there monitoring provisions in the setback regulation?	Yes		
Are variances provided for in the code, and are there clear variance criteria?	Yes		
Are penalties provided for in the code?	Yes		
Is there an abandonment provision in the code – grandfathering not permitted after six months' non-habitation of the property?	Yes		
If an encroaching existing improvement is substantially damaged (more than 50%), is it required to be removed?	Yes		

FLEXIBLE SUBDIVISION DESIGN		Otherwise known as Conservation Development; typically a form of Planned Unit Development, in zoning code.	
Applicability			
Are there sites of more than 20 acres in the community which would benefit from natural area restoration and/or protection? Restored woodland greatly enhances the value of property in the community.	If yes, flexible development code is recommended.		
Density and lot sizes			
Does the code allow flexible lot sizes to accommodate the open space?	Yes. Maximum lot sizes preferred to minimums.		
Does the code allow for neutral density with the underlying zoning?	Yes		
Does the code have a density calculation method which approximates the underlying zoning?	Yes		
If density bonuses are permitted, are they reasonable (10-20% maximum)?	Yes		
Open Space Requirements			
Is there a PUD code with at least 40% open space requirement?	Yes		
Does the code require permanent protection of the open space?	Yes, either by conservation easement, deed restrictions, zoning, sale approved only by 75% of HOA, or combination of the four.		
Does the code define quality open space, with limited fragmentation?	Yes		
Does the code set limits on the amount of open space to be "developed" with active recreation, other improvements?	5% of open space		
Resource Protection			
Do the goals of the PUD code include impervious surface reduction, undisturbed land conservation and watershed land restoration?	Yes		
Does the code require demonstration of analysis/prioritization of site features and resources?	Yes. Prioritization, not just recording of features.		

Are protection of floodplains, stream setbacks, drinking water sources and lands, and wetland setbacks mandatory for protection within the required open space?	Yes. Should dovetail with floodplain, stream-wetland setback codes, and source water protection codes		
Administration and review			
Is the code a by-right (permitted use) form of development?	Yes		
Is the review process for this type of PUD the same, or more streamlined, than for conventional development?	Same or more streamlined		
Are incentives given (reduced pavement requirements, setbacks, etc) for those using the code?	Yes		
Does the code have minimum provisions for homeowners' associations – mandatory membership, passing with each sale of each home, adequate fees to cover maintenance and capital improvements, requirements for local community review of covenants/restrictions?	Yes		
COMPACT DEVELOPMENT		Typically in zoning code. Can be a form-based approach or PUD approach.	
Applicability			
Are there places in the community that would benefit from creation and enhancement of walkable neighborhoods - residential, commercial or mixed use – new or infill? These areas typically have centralized sewer and water utilities.	If so, a compact development approach is recommended.		
Density and design			
Is there a code in place which provides for a net density approaching 6 to 8 units per acre?	Yes, at a minimum		
Are design guidelines in place to support the intent of the code?	Yes		
Are reasonable lot sizes and home sizes required?	Yes. Reasonable would be defined specific to each situation.		

Stormwater Runoff Requirements			
If requirements are in place for on-site stormwater retention, are there incentives, alternatives, or reduced requirements available to encourage infill and redevelopment in compact/urban environments?	Yes; examples include green roof incentives, green street/bio-swale incentives, etc.		
TREE AND WOODLAND PROTECTION		Typically in development regulations	
Applicability			
Are there woodland areas in the community which are worthy of protection?	If so, a tree and woodland protection regulation is recommended.		
Pre-design/Pre-application stage			
Does the code address the pre-design broad assessment of trees and woodlands by a certified professional?	Yes		
Does the code require a detailed survey of all trees over a certain size on the property?	No. This approach is expensive and does not yield information that can be used to make decisions.		
Are there provisions for prioritizing tree preservation based on health, species, location, and construction tolerance?	Yes		
Design stage			
Does the code address design of the site to accommodate high priority trees and woodland areas (as designated by the pre-design assessment)?	Yes		
Does the code address selected detailed survey to ensure the long term survival of designated trees?	Yes		
Are incentives provided in flexible design criteria for those protecting trees and woodland areas?	Yes		
Construction stage			
Does the code provide for tree protection during construction?	Yes		
Administration			
Does the code provide for monitoring during and after construction?	Yes		
Are penalties provided for tree removal/destruction prior to, during, and after construction?	Yes. This idea is new to Ohio and models are still being developed.		

STEEP SLOPE PROTECTION			
Are steep slopes greater than 12% present in the community which are subject to potential development? If so...			
Has the community done an engineering assessment identifying vulnerability of slopes to erosion and slippage?	Yes. This may change the threshold percentage, depending on types of soils/slopes found.		
Is there a code in place providing special engineering requirements for vulnerable slopes?	Yes		
Is there a stream setback code in place which widens to accommodate steep slopes along streams?	Yes		
NATURAL AREAS ESTABLISHMENT AND MANAGEMENT		Typically in municipal zoning and/or nuisance ordinances; is not typically applied in townships.	
Applicability			
Does the community have a mowing ordinance in place which requires grass be kept to a certain height?	If so, a natural areas code is recommended.		
Does the community have a code which exempts natural landscape areas from the mowing ordinance?	Yes		
Permitted landscapes			
Does the code permit a variety of natural landscapes, including natural meadows, shrub meadows, successional areas, ponds, wetlands, and young woodlands?	Yes		
Does the code clearly identify weeds and conditions which are considered noxious or invasive?	Yes, or a list is made available at the community office and/or online		

Review and Administration			
Does the code provide for an expert opinion in cases of complaint or concern?	Yes		
Does the code provide for a community review body to administer the code, hear problems, and resolve them?	This depends on whether community requires management plan; some of these functions can be handled by an expert depending on simplicity of the code		
Has the community addressed the need for education of homeowners and neighbors about natural landscaping and its benefits?	Yes, communities can enlist assistance from local parks/ SWCD experts		
Does the code provide the community with the authority to notify the owner of the problem, and rectify problems at the owner's expense, if the owner does not address them within a reasonable period of time?	Yes, these provisions should also be required in the HOA covenants and restrictions.		
LAND CONSERVATION INCENTIVES		General review throughout the code	
What incentives are in place throughout the code to encourage land conservation through stream setbacks, conservation easements, land dedication, and conservation development?			
Examples include density bonuses, road and sidewalk reductions, reduced storm detention requirements, streamlined review processes, etc.	Yes		