

AN ORDINANCE ADOPTING CHAPTER 1259 OF THE CODIFIED ORDINANCES OF
MINERVA PARK REGARDING PLANNED COMMERCIAL DISTRICT (PCD)

WHEREAS, it is necessary from time to time to adopt new zoning districts that will allow for additional options for land use in the Village; and

WHEREAS, the Village finds it necessary to adopt a Planned Commercial District (PCD) that will (1) encourage imaginative site and architectural design, (2) permit creation of flexible development standards that respect the unique characteristics of the site and surrounding uses, (3) result in more efficient and beneficial use of land, and (4) regulate development and redevelopment of individual parcels within already improved areas;

NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, Franklin County, Ohio, that:

Section 1. Chapter 1259 is hereby adopted to read as follows:

* * * * *

CHAPTER 1259 PLANNED COMMERCIAL DISTRICT (PCD)

1259.01 PURPOSE AND INTENT

- (A) Based on the premise that the ultimate quality of a particular environment is determined not only by the type and arrangement of land uses but also the method in which such uses are developed, the procedures outlined in this Chapter are designed to:
- (1) Encourage imaginative site and architectural design.
 - (2) Permit creation of flexible development standards that respect the unique characteristics of the site and surrounding uses.
 - (3) Result in more efficient and beneficial use of land.
 - (4) Regulate development and redevelopment of individual parcels within already improved areas.
- (B) To accomplish the above purpose, the intent of this Chapter is to allow the applicant to lessen the development standards in some areas in exchange for an increase in development standards in another. The process for achieving the above purposes and intent is to require the submission and approval of a preliminary plan for the total proposed development and the submission and approval of a Development Plan for all or any part of the area defined in the Preliminary Plan before obtaining a Zoning Certificate as part of the approval of the construction of any portion of the area. As part of the Preliminary Plan, the applicant must prepare and submit a Development Standards Text that identifies any development standard that is less restrictive than the standards set forth in this Chapter or other referenced Chapters or applicable Minerva Park Ordinances including the Northland Standards. When conflicts exist between Northland Standards and Village Ordinances, the more restrictive shall apply. As part of the Development Standards Text, the applicant must justify the modifications of these standards based on the fact that the proposed development goes beyond minimum requirements in other areas that will result in a superior development than if the standards set forth in this Chapter had been followed. As part of the final Development Plan, the applicant must reaffirm use of the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Village Council.

1259.02 PERMITTED USES

- (A) Those uses permitted within the Planned Commercial District include those uses that are permitted in the Suburban Office District, Chapter 1254, and additional commercial uses the Village Council feels to be in character with the intent and purpose of the Planned Commercial District.

1259.03 CONDITIONAL USES

- (A) Those uses conditionally permitted within the Planned Commercial District include those uses that are conditionally permitted in the Suburban Office District, Chapter 1254. The Village Council may consider additional uses it feels under certain conditions could be in character with the intent and purpose of the Planned Commercial District except that these additional uses may not include high traffic generation uses such as automotive service or sales, fast foods and any use with a drive through facility.

1259.04 DEVELOPMENT STANDARDS

- (A) The following development standards shall be considered as minimal standards within the Planned Commercial District. These standards shall serve as base standards to be included and modified if desired as part of the Development Standards Text and Preliminary Plan and further refined as part of the Development Plan. Other development standards, including signage, specified in Minerva Park Ordinances that relate to commercial development must be also be addressed when any deviation from them is proposed.
- (1) Lot requirements. Before determining setbacks, refer to Section 1278.04(b), Buffer Zone Requirements. If a Buffer Zone is required and the minimum setback is less than the appropriate Buffer Zone width, then the setback shall be equal to the Buffer Zone width. If a Buffer Zone is required and the minimum setback is greater than the appropriate Buffer Zone width, then the setback shall be equal to the required setback.
 - a. Minimum site area: None, except area shall be sufficient area to accommodate building and pavement setbacks, landscaping, parking, circulation and landscaping requirements. Individual lots may be combined to attain this minimum area for purposes of the Development Plan.
 - b. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.
 - c. Minimum front yard setback: Structure setback 50 feet; pavement setback, 15 feet.
 - d. Minimum side yard: Structure setback 30 feet; pavement setback 15 feet. In addition to the required side yard, Buffer Zones shall be provided per Section 1278.04(b).
 - e. Minimum rear yard: Structure setback 30 feet; pavement setback 20 feet. In addition to the required rear yard, Buffer Zones shall be provided per Section 1278.04(b).
 - f. Maximum lot coverage: Maximum lot coverage or impervious surface area shall be 80% with a total building coverage of 30%, unless otherwise modified by the Village Council. At least 20% of the site area shall be landscaped with natural vegetation.
 - g. Parking areas shall be no closer to main structure than ten feet.
 - (2) Building Requirements
 - a. Maximum building height of 40 feet.
 - (3) Site Development Requirements
 - a. Outdoor storage is prohibited. Merchandise may not be displayed on the sidewalk.
 - b. All vending machines and display racks, except for telephone booths and newspaper racks, shall be located inside the building.
 - c. Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view on all sides and shall be located behind the front building line.
 - d. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land and meet the Village's requirements for storm water management.

- e. All service and delivery shall be at the rear of the building; provided, however, where site layout and design would be enhanced, provisions may be made for service and delivery at the side of the building.

1259.06 PLAN CONTENTS AND REQUIREMENTS

- (A) As part of the request for rezoning to a Planned Commercial District, a Preliminary Plan must be initially submitted to the Planning and Zoning Committee for their review and recommendation and then to the Village Council along with the text of all applicable development standards. Village Council must approve the zoning change, Preliminary Plan and Development Standards Text. A Zoning Certificate will not be issued for any site or portion thereof until a Development Plan is approved by the Village Council and found in conformance with the adopted Preliminary Plan and Development Standards.
 - (1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements:
 - a. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as part of the proposed development.
 - b. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.
 - c. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary sewer and storm drainage facilities.
 - d. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities.
 - e. The proposed parking plan showing the parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location. Also the type of usage proposed for each component of the commercial development and the allocated square footage for each usage category.
 - f. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1278.
 - g. A proposed schedule or phasing of development of the site.
 - h. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.
 - i. Any additional information required by the Village Council necessary to determine that the proposed development meets the intent and purposes of the Planned Commercial District.
 - (2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall, through a narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

- (3) Development Plan. Following approval of the Preliminary Plan and before issuance of a Zoning Certificate, a Development Plan shall be initially submitted to the Planning and Zoning Committee for their review and recommendation and then to the Village Council for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:
- a. Site survey. On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.
 - b. Setbacks. The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.
 - c. Modifications of Development Standards Text. Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.
 - d. Height requirements. Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.
 - e. Parking and loading. All parking and loading spaces shall be shown including typical dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.
 - f. Waste and refuse. Handling of all waste and refuse materials shall be indicated and described by the Development Standards Text to include appropriate screening and type of containerization.
 - g. Circulation. All major circulation routes, including arterials, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings etc. plus any attempts at separating vehicular and pedestrian/recreation movement.
 - h. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations of topography, existing landscaping or adjacent land uses and conform to Chapter 1278, Landscaping. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plant materials per the Development Standards Text.
 - i. Signage and graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.
 - j. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent, lighting and building accent lighting. Lighting intensity and installation height shall be indicated.
 - k. Fencing. All fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.
 - l. Architectural treatment. As part of the Development Plan, front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicating building material, color and height. Color material samples shall also be made available for inspection.

1259.07 REVIEW BASIS

- (A) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

- (1) That the proposed development is consistent in all respects with the purpose, intent and applicable standards of the Zoning Ordinance.
 - (2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.
 - (3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the Village.
 - (4) That any modifications or minimum development standards established by the Planning and Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.
 - (5) That the proposed development is in conformity with any design or site planning guidelines adopted by the Village Council.
 - (6) That the plan provides for the coordination and integration of individually designed buildings into one planned district,.
- (B) Development Plan. Basis for approval of a Development Plan shall be:
- (1) That the plan is complete in all respects relative to the requirements set forth in Chapter 1259.
 - (2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Planning and Zoning Code, any applicable comprehensive planning programs and any design or site planning guidelines adopted by Village Council.
 - (3) That all engineering issues have been resolved to the satisfaction of the appropriate Village Staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

1259.08 PROCEDURES FOR APPROVAL

(A) Submission of Application for Preliminary Plan

- (1) Before filing an application for rezoning to a Planned Commercial District, the applicant shall meet with Village Staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.
- (2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Village Council. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Village Council, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the Village for review and comment.
- (3) Once the applicant has submitted a completed application in accordance with the submission schedule, Staff shall submit the application to the Village Council for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Village Council to review the Plan and determine whether it complies with the regulations of this Chapter.
- (4) A Preliminary Plan shall be valid for three years after Village Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(B) Submission of Development Plan

- (1) Before filing for Development Plan Approval, the applicant shall meet with the Minerva Park administration to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.
- (2) The applicant shall submit an application to the Village including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate, and any other required information in accordance with the submission schedule of the Village Council. In order to defray the cost of examination of the materials and review by the Village Council, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by Village Council.
- (3) It shall be the duty of the Village Council to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made within a reasonable time. If the Village Council finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Village Council shall approve the plan. With the approval of the Village Council, minor modifications of the approved preliminary plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Village Council determines that such proposed changes significantly alter the approval plan, it is considered to be a major change and the plan must be resubmitted to Village Council for approval.
- (4) In the event that the Village Council does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Village Council.

(C) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction of site improvements must be commenced within two years of Village Council approval; otherwise no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(D) Modification of the Development Plan. With the approval of the Village Council, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Village Council determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Village Council for approval. Development of land shall not proceed before final approval of the Development Plan. Any development undertaken without such final approval is in violation of this zoning ordinance and an abatable nuisance.

(E) Variances from Development Standards. The Village Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of this zoning district.

* * * * *

Section 2. The Village Mayor, Clerk-Treasurer, and Law Director are authorized to take further actions consistent with this ordinance that are needed to carry out the intentions of this ordinance for the adoption of a Planned Commercial District.

Section 3. All prior ordinance(s) or resolution(s) or any part thereof, which is(are) inconsistent with this resolution is(are) hereby repealed as to the inconsistent part or parts thereof and the remainder of said ordinance(s) or resolution(s) not inconsistent with this resolution shall remain in full force and effect.

Section 4. This ordinance shall take effect at the earliest opportunity allowed by law.

Section 5. Wherefore, this ordinance shall take effect from and after the earliest period allowed by law.

First Reading: March 16, 2007
Second Reading: April 16, 2007
Public Hearing: June 11, 2007
Third Reading: June 11, 2007
Passed: June 11, 2007

Lynn Eisentrout, Mayor, Village of Minerva Park

Attest Suzanne Coulter, Clerk-Treasurer,
Village of Minerva Park

Reviewed by Counsel