

08-2013

August 12, 2013

AN ORDINANCE ADOPTING CHAPTER 1253 OF THE CODIFIED ORDINANCES OF MINERVA PARK REGARDING PLANNED RESIDENTIAL DISTRICT (PRD) AND AMENDING SECTION 1238.04 (A) TO DESIGNATE PRD DISTRICT

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

WHEREAS, the Village finds it necessary to adopt a Planned Residential District which 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 the already improved areas;

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

Section 1. Chapter 1253 is hereby adopted to read as follows:

CHAPTER 1253 PLANNED RESIDENTIAL DISTRICT

1253.01 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 way 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) The process for achieving the above purpose 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 prior to 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 establishing the standards to be applied to the proposed development. As part of the final Development Plan, the applicant must substantially comply with the previously approved Development Standards Text or submit as part of the Development Plan a modified Development Standards Text for approval by Village Council.

1253.02 PERMITTED USES.

Land and buildings in the Planned Residential District (PRD) shall be used only for the following purposes:

- (1) Residential Dwellings: single-family dwellings and accessory uses and buildings in association with a permitted dwelling.
- (2) Open space.
- (3) Public uses: parks, playgrounds, recreation and community center buildings and grounds, golf courses, public swimming pools, tennis courts and similar recreational uses.
- (4) Accessory buildings and uses in association with a permitted single family residential structure.
- (5) Home occupations associated with a principal use and in accordance with Chapter 1272.
- (6) The Village Council may permit additional uses that are compatible with the character of the proposed development and the intent and purpose of the Planned Residential District.

1253.03 PLAN CONTENTS AND REQUIREMENTS.

- (a) As part of the request for rezoning to a Planned Residential District, a Preliminary Plan must be submitted to the Planning and Zoning Commission along with a Development Standards Text of all applicable standards for the proposed development. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning and Zoning Commission and found in conformance with the adopted Preliminary Plan and Development Standards Text.

(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 shall 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 the 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. A conceptual landscaping plan that shows the ability of the proposed development to meet all the aspects of Chapter 1278.
- F. A proposed schedule or phasing of development of the site.
- G. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.
- H. Any additional information required by the Planning and Zoning Commission necessary to determine that the proposed development meets the intent and purposes of the planned district.

2. Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. Unless specifically modified by the Development Standards Text, the standards established by the Zoning Code and the Subdivision Regulations shall apply to the proposed development.

3. Development Plan. Following approval of the Preliminary Plan and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning and Zoning Commission for the part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan that 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 Preliminary Plan or Development Standards Text. Any desired modifications of the Development Standards Text or Plan approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document or Preliminary Plan.
- 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 waste and refuse materials shall be indicated and described by the Development Standards Text and shall include appropriate screening and type of containerization.
- G. Circulation. All major circulation routes, including arterial, 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 in topography, existing landscaping or adjacent land uses and conform to Chapter 1278. Landscape features shall be shown as well as planning dimensions, height, d.b.h. 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. Accessory Structures, Decks, Patios and Fencing. All accessory structures, decks, patios and 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 indicated building material, color and height. Color material samples shall also be made for inspection.

1253.04 REVIEW BASIS.

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

- (1) That the proposed development is consistent with the purpose, intent and applicable standards of the Zoning Code.

- (2) 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 Preliminary Plan shall contribute to the orderly development of land within the Village.
- (3) That the proposed development is in conformity with any design or site planning guidelines adopted by the Planning and Zoning Commission.
- (4) That the plan provides for the coordination and integration of buildings and open space 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 Section 1253.05(a).
- (2) That the Development Plan complies with the Preliminary Plan and Development Standards Text and any modifications thereof by Village Council.
- (3) That all engineering issues have been resolved to the satisfaction of the appropriate municipal staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

1253.05 PROCEDURES FOR APPROVAL.

(a) Submission of Application for Preliminary Plan:

- (1) The applicant shall submit the rezoning application along with twenty (20) copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning and Zoning Commission. In order to defray the cost of examination of the rezoning application and the Preliminary Plan and Development Standards Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee as stipulated by ordinance. Staff shall circulate the Preliminary Plan and other comments to appropriate departments in the municipality for review and comment.
- (2) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning and Zoning Commission for their review and action at the earlier of the next regular meeting or special meeting as necessary or requested, of Planning and Zoning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning and Zoning Commission will forward a recommendation to Council.
- (3) A Preliminary Plan shall be valid for five (5) years after Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required. Once a final plat is recorded for any section of the development, the Preliminary Plan shall not expire.

(b) Submission of Development Plan.

- (1) The applicant shall submit an application to the municipality 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 Planning and Zoning Commission. In order to defray the cost of examination of the materials and review by the Planning and Zoning Commission, the applicant shall pay a fee in accordance with the fee schedule as stipulated by ordinance.
- (2) It shall be the duty of the Planning and Zoning Commission to review the Development Plan and determine whether it complies with the Preliminary Plan, Development Standards Text and any applicable regulations of this Chapter. Such determination shall be made at the earlier of the first regular meeting or special meeting of the Planning and Zoning Commission in accordance with the submission and hearing schedule established by the Commission. If the Planning and Zoning Commission finds that the Development Plan complies in all respects with the applicable regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. Planning and Zoning Commission may approve Development Plans that have minor modifications from the approved Preliminary Plan and Development Standards Text. Such modifications shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning and Zoning Commission determines that such proposed modifications significantly alter the approved Preliminary Plan and Development Standards Text must be resubmitted to Council for approval.
- (3) In the event the Planning and Zoning Commission 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 Planning and Zoning Commission. Decisions of the Planning and Zoning Commission disapproving the plan are appealable to Council in accordance with the provisions of Chapters 1202 and 1234.

1253.06 EFFECT OF APPROVALS; PROCEDURES FOR MODIFICATION.

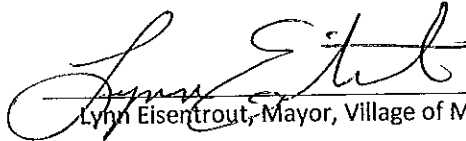
- (a) The Preliminary Plan and Development Standards Text as approved and modified by Council shall constitute a Planned Residential Development District as it applies to the land included in the approved PRD zoning district approved by Council.
- (b) Approval of the PRD Preliminary Plan constitutes approval of a preliminary subdivision plat as required by Chapter 1214 of the Subdivision Regulations.
- (c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction site improvements must be commenced within two (2) years of Planning and Zoning Commission or Council approval; otherwise, no development of the land shall take place until a new Development Plan is approved pursuant to this section. Any development undertaken without such final approval is in violation of this Zoning Code and an abatable nuisance.

- (d) Extension of Time. Extensions of the time limits of Preliminary Plan and Development Standards Text compliance may be approved by resolution of Council. Extensions of the time limits for the Development Plan and construction of site improvements may be approved by resolution of Council. Such approvals shall be given upon a finding of the purpose or necessity for such extension and evidence of reasonable effort toward the accomplishment of the Preliminary Plan and Development Standards Text as approved by Council or the Development Plan as approved by the Planning and Zoning Commission.

Section 2. Section 1238.04 of the Zoning Code titled DESIGNATION OF DISTRICTS ON ZONING DISTRICT MAP; LEGEND is hereby amended to add "Planned Residential District" with a designation of "PRD" to the designated planned districts in the Village and delete "Planned Low-Density Residential "PLR" and Planned High-Density Residential "PHR" from the designated planned districts in the Village.

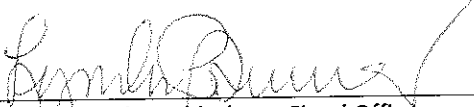
Section 3. All prior ordinances(s) or resolution(s) or any part thereof, which is(are) inconsistent with this ordinance, is(are) hereby repealed as to the inconsistent part(s) thereof, and the remainder of said ordinance(s) or resolution(s) not inconsistent with this ordinance shall remain in full force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

Section 4. Council declares this to be an emergency measure necessary for the public, health, safety, and welfare of the residents of the Village of Minerva Park, such need arising from the need to provide for planned residential development for the anticipated sale and development of the golf course which will provide for the economic and community welfare by providing for additional revenue for the Village. Wherefore, this resolution shall take effect and shall be in force upon passage.

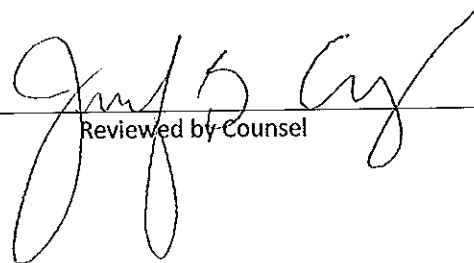


 Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: August 12, 2013
 Second Reading: September 9, 2013
 Third Reading: Waived
 Passed: September 9, 2013



 Attest Lynda Sudderberg, Fiscal Officer,
 Village of Minerva Park



 Reviewed by Counsel