CHAPTER 1149
RO - Residential Office District

1149.01 Purpose.
1149.02 Permitted uses.
1149.03 Conditional uses.
1149.04 Special provisions for conditional uses.
1149.05 Development standards
1149.06 Variances from development standards

CROSS REFERENCES

1149.01 PURPOSE.

The RO District is to be used in areas along major thoroughfares that are occupied by older single family residences, but are subject to development pressure for commercial use. The intent of the district is to provide for small low-intensity administrative and professional offices as an alternative use in such areas, while preserving the area's residential character.

1149.02 PERMITTED USES.

(a) One family dwellings.

(b) Public parks, playgrounds and open space.

(c) Home occupations, as regulated in Section 1177 of this Ordinance.

1149.03 CONDITIONAL USES.

(a) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, consisting of:

(1) Brokers and dealers in securities and investments, not including commercial banks and savings institutions.
(2) Insurance agents and brokers.
(3) Real Estate sales and associated services.

(b) Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions.

1149.04 SPECIAL PROVISIONS FOR CONDITIONAL USES.

(a) Hours. Permitted uses shall be conducted principally in daylight hours.

(b) Nuisance. Permitted uses shall not create a nuisance from noise, smoke or odor.

(c) Appearance. Structures shall maintain a residential appearance and be compatible with surrounding residences, in size and scale.

(d) Lighting. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as to not shine on adjacent properties.

(f) Storage. Storage of materials and equipment shall be within enclosed buildings.

(g) Parking. All parking shall be located in the rear yard.

1149.05 DEVELOPMENT STANDARDS.
Minimum lot area, minimum lot width, minimum front yard depth, minimum side yard width, minimum sum of side yard widths, minimum rear yard depth, and maximum building height for all permitted and conditional uses shall be as required for the R-2 Single Family District.

1149.06 VARIANCES TO DEVELOPMENT STANDARDS.
The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed May 1, 2006.)

CHAPTER 1151
PCC, Planned Community Commercial District

1151.01 Purpose and intent.
1151.02 Permitted uses.
1151.03 Conditional uses.
1151.04 Development standards.
1151.05 Supplemental standards for conditional uses.
1151.06 Plan contents and requirements.
1151.07 Review basis.
1151.08 Procedures for approval.

CROSS REFERENCES
Community Commercial District permitted uses - see P. & Z. 1143.02(a)
Off-street parking and loading requirements - see P. & Z. Ch. 1171
Landscaping - see P. & Z. Ch. 1173
Nuisance control - see P. & Z. 1175.04

1151.01 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) In order 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 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 that identifies any development standard that is less restrictive than the standards set forth in this Chapter or other referenced Chapters. 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 Planning Commission. (Ord. 2006-13. Passed May 1, 2006.)

1151.02 PERMITTED USES.

(a) Those uses permitted within the Planned Community Commercial District include those uses that are permitted in the Community Commercial District, Chapter 1143, and additional commercial uses the Planning Commission feels to be in character with the intent and purpose of the Planned Community Commercial District. (Ord. 2006-13. Passed May 1, 2006.)

1151.03 CONDITIONAL USES.

(a) Those uses conditionally permitted within the Planned Community Commercial District include those uses that are conditionally permitted in the Community Commercial District, Chapter 1143. The Planning Commission may consider additional uses it feels under certain conditions could be in character with the intent and purpose of the Planned Community Commercial District. (Ord. 2006-13. Passed May 1, 2006.)

1151.04 DEVELOPMENT STANDARDS.

(a) The following development standards shall be considered as minimal standards within the Planned Community 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.

(1) Lot requirements: Prior to determining setbacks, refer to Section 1173.06(a), Bufferyard Requirements. If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

A. Minimum site area: Five acres and 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, bufferyards shall be provided per Chapter 1173.

E. Minimum rear yard: Structure setback 30 feet; pavement setback 20 feet. In addition to the required rear yard, bufferyards shall be provided per Chapter 1173.

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 Planning Commission. 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 be displayed on the sidewalk adjacent to the principal building provided a minimum of a five foot strip is left unobstructed for pedestrian traffic.

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.

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.

(Ord. 2006-13. Passed May 1, 2006.)

1151.05 SUPPLEMENTAL STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1151.04 unless modified by this section:

(a) Purpose and Intent. The intent of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1151.04 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Community Commercial District.

(b) Child Care Centers.

(1) Minimum lot area. Sufficient to accommodate an appropriately designed facility including buildings, required yards, landscaping, drop-off area, and circulation space.

(2) Required outdoor play area. There shall be provided a fenced outdoor play area containing at a minimum, the number of square feet required for State of Ohio licensing requirements.

(3) Required access and loading/unloading.

A. An on-site drop-off area shall be provided at the main entrance to the facility sufficient o accommodate four automobiles for facilities with 20 or fewer children plus one additional vehicle for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond code requirements.

B. Access from an arterial or collector street is required or access shall be provided in a manner that does not cause heavy traffic on residential streets.

(4) Required fencing. All outdoor play areas shall be enclosed by a six foot high wall, solid fence or chain link fence planted with a continuous evergreen screen.

(5) Hours of operation. Use of outdoor play area shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

(c) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area. Uses with drive-in facilities shall have a minimum lot area to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening. Drive-in windows or lanes shall be located at least 50 feet from any residential property. A solid wood fence, hedge or masonry wall at least six feet in height shall be provided where a drive-in window is located adjacent to residential property.

(3) Off-street parking and circulation.

A. Stacking spaces shall be provided for every drive-in facility per Chapter 1171. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from drive-in activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(d) Animal Hospitals including Veterinary Clinics, Kennels, Animal Grooming and Pet Stores.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(e) Convenience Food Stores and Fast Food Restaurants.

(1) Minimum lot area: The minimum lot area shall be 7,500 square feet except that uses with drive-in or drive-thru facilities shall be located on lots with a minimum area sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks: Drive-in or drive-thru windows and lanes shall be located at least 50 feet from any residential property. All other structures shall be located in accordance with required setbacks of the underlying zoning district.

(3) Screening: A solid wood fence or masonry wall six feet high shall be constructed where drive-thru facilities for convenience food stores, drive-in stores, or fast food restaurants are located adjacent to residential property.

(4) Off-street parking and circulation:

A. Stacking spaces shall be provided for every drive-thru facility per Chapter 1171. Required stacking lanes shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from drive-in activities and customer parking shall be located in the area with the highest accessibility to dining or sales areas.

C. Circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(f) Automobile Washing.

(1) Minimum lot area sufficient to accommodate building, required yards, parking, landscaping and circulation requirements.

(2) Setbacks and screening.

A. All structures shall be located at least 50 feet from any adjacent residential property.

B. A solid fence, wall or hedge six feet high shall be required when an automobile washing facility is adjacent to residential property.

(3) Limitations on use.

A. All washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.

B. Vacuum and steam cleaning equipment may be located outside of the building, but shall not be placed in any yard adjoining residential property.

(4) Off-street waiting and circulation.

A. Off-street waiting spaces shall be provided for auto washing facilities per Chapter 1171. Required waiting spaces shall not block or otherwise interfere with site circulation patterns.

B. If at all possible, exit doors shall be oriented away from the street right-of-way. If not possible, a hard surface exit drive not less than 40 feet in length shall be provided between the exit doors and the street.

(g) Gasoline Service Stations. The basis for the following development standards is the assumption that all new service stations will include a convenience store in addition to the traditional pump islands covered by a canopy. It is also assumed that service bays will not be an integral part of the convenience store/gas pump complex. In those cases where car repair service is provided as part of the overall complex but in a separate structure, the entire complex shall be treated as a Commercial Center and fall under the supplemental standards set forth in Section 1143.

(1) Minimum lot area: 15,000 square feet, provided however that the lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Minimum frontage: None, provided that individually developed lots must abut a public street and have adequate width to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements. A minimum of 250 foot frontage is required if there are to be two curb cuts for the site.

(3) Maximum lot coverage: All impervious service areas including building and pavement shall not cover more than 60 percent of the site.

(4) The site design shall provide for traffic circulation that does not interfere with access to and from the pump islands.

(5) To the greatest extent possible, required parking for the site shall be located adjacent to the convenience store facility and not interfere with circulation on the site or access to and from the pump islands.

(6) Canopy size (dimensions) shall be kept to a minimum. Whenever possible the smallest dimension shall be parallel to the adjacent roadway. In no case shall the width of the dimension fronting on or parallel to the roadway exceed 25 percent of the width or frontage of the lot.

(7) Lighting contained within the canopy shall be flush with or recessed into the ceiling of the canopy (to avoid glare off the site).

(8) There shall be no parking or pavement permitted in the front yard.

(9) The front yard shall consist of adequate and varied landscaping to act as both a screen to the paved area as well as a buffer yard to the impact of the canopy.

(10) Accessory structures are prohibited.

(11) The exterior facade of the structures included in the overall complex shall be natural materials such as brick or stone or some alternative material acceptable to the Planning Commission. The roof of these structures shall be covered with natural or manmade shingles and shall be designed so as to expose said materials to the adjacent streets and properties (such as a gabled or mansard roof).

(12) Should one or more bays for servicing cars be included in the convenience store structure, the site shall provide additional parking consisting of two spaces for each service bay and one space for each employee and service vehicle.

(13) Should a car wash facility be included within the convenience store structure, the site shall provide an additional parking space for each employee and a stacking lane sufficient to accommodate four waiting automobiles for each washing stall or device.

(h) Commercial Centers. Commercial Centers shall be designed to fit with existing and anticipated development in the immediate area to minimize traffic congestion conflicts, visual pollution and confusion.

(1) Minimum lot area. None, except that the lot size shall be adequate to meet all building and pavement setbacks, parking, circulation, open space and landscaping requirements.

(2) Maximum lot area. For commercial centers containing two or more commercial uses, a maximum lot area of five contiguous acres shall be provided including sufficient space to accommodate buildings, required yards, landscaping, parking and circulation.

(3) Lot configuration. The width to depth ratio shall not exceed a ratio of two to one. The minimum depth of a Commercial Center lot shall be 300 feet.

(4) Site layout. The applicant shall demonstrate how the proposed center will tie directly into adjacent commercial developments, both existing and anticipated, for pedestrian and vehicular traffic.

(5) Parking and circulation.

A. Customer/employee parking should be separated with customer parking located near the area with the most direct access to the principal building.

B. Continuous channelized traffic flow with sufficient movement throughout the site shall be provided. Conflict between pedestrian and vehicular movement shall be minimized.

C. Clear delineation of internal circulation roadways including directional signage and pavement markings shall be indicated.

(6) Curb cut controls. Curb cuts to adjacent arterial will be controlled in accordance with the following criteria:

A. A maximum of two curb cuts per street frontage may be allowed provided the minimum frontage is 450 feet and the curb cuts are separated by a minimum of 300 feet (centerline to centerline).

B. All curb cuts shall be located a minimum of 150 feet from an intersection and 75 feet from any property line.

(7) Signage.

A. A graphic system shall be used that is uniform in size, shape and color for various tenant signage.

B. Ground mounted signage shall be integrated within the overall site landscaping and the use of foundation planting around the ground sign shall be encouraged.

(8) Lighting.

A. All external outdoor lighting shall be cutoff fixtures or down lighting.

B. Lighting within and related to any service area to the rear of the building shall be cutoff fixtures so as not to allow spillage on adjacent property.

(9) Outlot. No outlot shall be created as part of a Commercial Center site plan.

(i) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than 20 feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of 75%. A six foot minimum height would

be required at installation for landscaping around the base of a tower. The Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co-locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within 90 days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure. (Ord. 2006-13. Passed May 1, 2006.)

1151.06 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Community Commercial District, a Preliminary Plan must be submitted to the Planning Commission 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 Planning Commission 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. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

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 Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Community 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 prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission 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 1173, 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. (Ord. 2006-13. Passed May 1, 2006.)

1151.07 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 Planning Commission.

(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 Section 1151.06(a).

(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 Planning Commission.

(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.

(Ord. 2006-13. Passed May 1, 2006.)

1151.08 PROCEDURES FOR APPROVAL.

(a) Submission of Application for Preliminary Plan.

(1) Prior to filing an application for rezoning to a Planned Community Commercial District, the applicant shall meet with 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 Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, 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 Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to Village Council.

(4) A Preliminary Plan shall be valid for five 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) Prior to filing for Development Plan Approval, the applicant shall meet with the Centerburg Planning staff 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 Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, 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 Planning Commission 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 Planning Commission 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 Commission shall approve the plan. With the approval of the Planning Commission, 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 Planning Commission 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 Council for approval.

(4) In the event that the Planning 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 Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(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 Planning Commission or 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 Planning Commission, 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 he approved plan. If the Planning Commission 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 Council for approval. Development of land shall not proceed prior to 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 Planning Commission and/or 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. No action by the Board of Zoning Appeals is required for these variances. (Ord. 2006-13. Passed May 1, 2006.)

CHAPTER 1155
O/I Office-Institutional District

1155.01 Purpose and intent.
1155.02 Permitted and conditional uses.
1155.03 Development standards for nonresidential uses.
1155.04 Supplementary standards for conditional uses.
1155.05 Variances from development standards.

CROSS REFERENCES
Off-street parking and loading - see P. & Z. Ch. 1171
Landscaping - see P. & Z. Ch. 1173
Nuisance control - see P. & Z. 1175.04

1155.01 PURPOSE AND INTENT.

The purpose of the Office-Institutional District (OI) is to encourage and provide for the orderly development of office and institutional uses with a view to their unique demands for traffic accessibility. This District will often serve as a compatible buffer between residential and commercial use areas
(Ord. 2006-13. Passed May 1, 2006.)

1155.02 PERMITTED AND CONDITIONAL USES.

(a) Permitted Uses in the Office-Institutional District are:

(1) Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers, including:

A. Banks, credit and other financial institutions having no drive-in facilities.
B. Brokers and dealers in securities, investments and commodities and associated services.
C. Insurance agents and brokers, and associated services.
D. Real estate sales and associated services.

(2) Professional offices engaged in providing services to the general public, including:

A. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
B. Other health and allied medical facilities
C. Legal, engineering and architectural services.
D. Accounting, auditing and other bookkeeping services.
E. Other professional services not specifically listed as permitted uses in other districts.

(3) Institutions providing social, cultural, educational, and health services to member agencies, organizations and individuals, or to the general public, including:

A. Hospitals.
B. Elementary and secondary schools.
C. Colleges, universities, professional schools, junior colleges and art galleries.
D. Library, museums and art galleries.
E. Religious organizations
F. Pre-schools and child-care centers.

(4) Organizations and associations organized for the promotion of membership interests to include:

A. Business and professional associations and organizations.
B. Labor unions and similar labor organizations.
C. Civic, social and fraternal associations.
D. Political, charitable and other nonprofit membership associations.

(5) Public use facilities.

(b) Conditional Uses in the Office-Institutional District are:

The following uses are conditionally permitted within the Office-Institutional District. These uses may be appropriate as permitted uses within the district but require more detailed evaluation with respect to location, design, size, method and hours of operation, intensity of use and traffic generation and potential impact on surrounding uses, in order to balance these uses in an equitable manner while safeguarding both individual property rights and general community welfare. It is the Planning Commission's responsibility to perform this evaluation and after review, to attach necessary conditions and safeguards. The development standards contained in this Chapter are minimum standards. Planning Commission may require more restrictive standards for a conditional use based on the merits of each application. Review and approval of these uses are further regulated in Chapter 1111, Conditional Uses and Section 1155.04, Supplementary Standards for Conditional Uses. Parenthetical reference to Section 1155.04 following a listed conditional use indicates that specific supplemental standards have been identified for that use in the referenced section.

(1) Funeral homes and related facilities.
(2) Veterinary offices and animal hospitals. (Section 1155.04(e)).
(3) Restaurants and eating places not as a free-standing use, but occupying space within an office building. Drive-in or fast food operations are not permitted in this district.
(4) Multiple family dwellings. (Section 1155.04(b)).
(5) Banks, credit and other financial agencies with drive-in facilities. (Section 1155.04(d)).
(6) Nursing Homes, Senior and Disabled Housing, Senior and Disabled Independent Housing.(Section 1155.04(c).
(7) Public Service Facilities. (Section 1155.04(f)).
(Ord. 2006-13. Passed May 1, 2006.)

1155.03 DEVELOPMENT STANDARDS FOR NONRESIDENTIAL USES.

(a) Permitted uses within the Office-Institutional District (OI) shall conform to the following standards. Conditional uses shall also conform to these standards and, where applicable, to the Supplementary Standards for Conditional Use in Section 1155.04. In the event of a conflict between the development standards in Sections 1155.03 and 1155.04 the more specific Supplemental Conditional Use Standards of Section 1155.04 are to be used.

(b) Prior to the issuance of a Zoning Certificate for development in the Office Institutional District (OI) a site plan review as defined in Chapter 1108 is required.

(c) Lot Requirements in the Office-Institutional District are: Prior to determining setbacks, refer to Section 1173.06(a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.

(1) Minimum lot area: One-half (1/2) acre plus additionally sufficient area to accommodate building and pavement setbacks, landscaping, parking and circulation requirements.
(2) Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.
(3) Minimum front yard: Thirty feet. Forty feet on arterial streets. Pavement areas shall be at least ten feet from the right-of-way.
(4) Minimum side yard: For structures, fifteen feet. For pavement areas, ten feet.
(5) Minimum rear yard: For structures, fifteen feet, twenty feet when abutting residential districts. For pavement areas, ten feet.
(6) Maximum lot coverage: All impervious surface area including building, parking, etc. shall not cover more than 70% of the site.
(7) Parking areas shall be no closer to main structures than ten feet.

(d) Building Requirements in the Office-Institutional District are: Maximum height: Thirty-five feet; fifty feet if structures have freeway orientation and the property lies within 150 feet of a freeway right-of-way.

(e) Site Development Requirements in the Office-Institutional District are:

(1) All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied.
(2) Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171, and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces, and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by test.
(3) Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.
(4) Trash and litter shall be controlled, and stored in container systems which are located and enclosed in a manner to screen them from view from all sides.
(5) All service and delivery shall be at the rear of structures; provided, however, that under hardship conditions provisions may be made for service and delivery at the side of structures.
(6) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.
(7) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.
(8) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(9) Lighting Requirements for uses permitted in this district are set forth as follows:

A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

B. All lights shall be arranged to reflect light away from any street or adjacent property.

C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.

E. Cutoff type landscape and building uplighting shall be permitted.

F. All building illuminations shall be from concealed sources.

G. Parking lot lighting shall be no higher than 28'.

H. No colored or flashing lights shall be used to light the exterior of buildings.

(Ord. 2006-13. Passed May 1, 2006.)

1155.04 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1155.03 unless modified by this section:

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1155.03 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Office-Institutional District.

(b) Development Standards for Multiple Family Use. The development standards are those required in the R-4 Multiple Family District.

(c) Development Standards For Nursing Homes, Senior and Disabled Housing and Senior and Disabled Independent Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: 30 feet; 40 feet for structures on lots fronting on major, minor arterial and major collectors as designated by the Official Thoroughfare Plan. Pavement areas shall be at least ten feet from the right-of-way.

D. Minimum side yard: For structures, 15 feet. For pavement areas, ten feet.

E. Minimum rear yard: For structures, 15 feet. When abutting single or two family districts the rear yard shall equal the rear yard requirement of the abutting district. For pavement areas, ten feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than 50% of the lot.

G. Parking areas shall be no closer to main structures than ten feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet for Nursing Homes and Senior and Disabled Housing. For Senior and Disabled Independent Housing,

minimum lot area per dwelling unit shall be calculated on the basis of 5,455 square feet and may be reduced to 1,450 square feet with approval of the Planning Commission if the proposed development fully complies the requirements of Section 1155.04. For Nursing Homes and Senior and Disabled Housing, minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted. The Commission shall consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: 35 feet. The maximum height may be increased to 50 feet by Planning Commission if the lot is not adjacent to any single or two family dwellings. If the building is adjacent to a single family or two family dwelling, the building height may be increased to a maximum height of 50 feet by Planning Commission if 1 foot of additional setback is provided for each additional foot of height along the affected property line.

B. Accessory buildings have the same yard requirements as main building.

C. Minimum dwelling unit area: A minimum of 300 square feet of living space for efficiency apartments with private bathrooms, 220 square feet for efficiency apartments without private bathrooms, 500 square feet for one bedroom units and 700 square feet for two bedroom units. A minimum of 100 square feet of living space per person for nursing homes.

D. Housing shall be specifically designed for senior and disabled citizens and include facilities generally associated with the needs and interests of aged persons. Access to these facilities and common and public use areas shall be provided in accordance with the "Fair Housing Accessibility Guidelines" (FHAG) as prescribed in Ohio R.C. 3781.1.111.

E. Any facility containing two or more stories shall contain elevator access to all dwelling units above the first floor.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied. The location, size, design, and operating characteristics of the facility will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text. The facility shall

not adversely affect the generation of traffic and the capacity of surrounding streets.

C. 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.

D. Trash and litter shall be controlled and stored in container systems, which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. Units are to be within reasonable walking distance, generally within two blocks, of major traffic arteries, shopping, community facilities, and other daily activities. If this requirement cannot be met, daily service by shuttle bus for residents to these activities must be available.

G. The owner shall file with the Knox Count Recorder a covenant, approved as to form by the Village Attorney, in which said owner shall covenant on behalf of himself, his heirs, executors, and assigns not to use the property for any other use than nursing homes, senior and disabled housing or senior and disabled independent housing, unless the use complies with all requirements of the Planning and Zoning Code. Required compliance includes, but is not limited to, density, unit sizes, parking, and setbacks.

H. In addition to the requirements for any site plan, a plan for nursing homes, senior and disabled housing and senior and disabled independent housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

I. A minimum of 20% of the total site shall be designated as common open space for active and/or passive recreational uses. Common open space shall not include required setback and buffer yard areas. Up to 40% of the required common open space area may provided in the form of a common leisure/recreation room.

(Ord. 2006-13. Passed May 1, 2006.)

(d) <u>Financial Establishments with Drive-Thru Facilities</u>.

(1) Minimum lot area: Uses with drive-in facilities shall have a minimum lot area to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening: Drive-in windows or lanes shall be located at least 50 feet from any residential property. A solid wood fence, hedge or masonry wall at least six feet in height shall be provided where a drive-in window is located adjacent to residential property.

(3) Off-street parking and circulation:

A. Stacking space shall be provided for every drive-in facility for at least five automobiles. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(e) Animal Hospitals including Veterinary Clinics, Kennels, Animal Grooming and Pet Stores.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(f) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than 20 feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of 75%. A six foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co-locate on the same pole to the extent technologically feasible at a

reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within 90 days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure.

(Ord. 2006-13. Passed May 1, 2006.)

1155.05 VARIANCES TO DEVELOPMENT STANDARDS.

The Planning Commission and/or Village Council may approve variances from the development standards of this Chapter as part of Site Plan review pursuant to Chapter 1108. These variances shall be consistent with the intent of this zoning district. No action by the Board of Zoning Appeals is required for these variances.
(Ord. 2006-13. Passed May 1, 2006.)

CHAPTER 1156
PO, Planned Office District

1156.01 Purpose and intent.
1156.02 Permitted uses.
1156.03 Conditional uses.
1156.04 Development standards.
1156.05 Supplementary standards for conditional uses.
1156.06 Plan contents and requirements.
1156.07 Review basis.
1156.08 Procedures for approval.

CROSS REFERENCES
Uses permitted in O/I District - see P. & Z. 1155.02

1156.01 PURPOSE AND INTENT.

(a) The purpose of the Planned Office District (PO) is to permit and encourage the development of office and office-related uses within one planned district and:

(1) Allow a development pattern which preserves and utilizes the natural topography, geologic features, vegetation and drainage of the site as part of its design.
(2) Encourage provision of site, open space and recreation amenities to serve the immediate development and link to other surrounding community facilities.
(3) Respect the unique characteristics of the site and surrounding uses.
(4) Incorporate other office-related uses within same overall development.

(b) In order to accomplish the above purposes, 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 prior to obtaining a Zoning Certificate as part of the approval for 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. 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 Planning Commission.
(Ord. 2006-13. Passed May 1, 2006.)

1156.02 PERMITTED USES.

Those uses permitted within the Planned Office District include those uses that are permitted in the Office Institutional District (Chapter 1155) and additional uses that the Planning Commission feels to be in character with the intent and purpose of the Planned Office District.
(Ord. 2006-13. Passed May 1, 2006.)

1156.03 CONDITIONAL USES.

Those uses conditionally permitted within the Planned Office District include those uses that are conditionally permitted in the Office Institutional District and the following additional uses:

(a) Public indoor recreation.
(b) Membership sports and recreation clubs.
(c) Outdoor recreation.
(d) Personal service as part of the principally permitted use and with no exterior signage or direct outside access (beauty and barber shops, shoe repair, photo finishing, tailoring, watch, clock and jewelry repair, and other services performed for persons and/or their apparel).
(e) Mixed warehouse and office uses (with less than 50% of the gross floor area as warehouse. (Ord. 2006-13. Passed May 1, 2006.)

1156.04 DEVELOPMENT STANDARDS.

The following development standards shall be considered as minimal standards within the Planned Office 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.

(a) Lot Requirements. Prior to determining setbacks, refer to Section 1173.06(a). If a bufferyard is required and the minimum setback is less than the appropriate bufferyard width, then the setback shall be equal to the bufferyard width. If a bufferyard is required and the minimum setback is greater than the appropriate bufferyard width, then the setback shall be equal to the required setback.
    (1) Minimum site size: Five acres and sufficient area to accommodate building and pavement setbacks, landscaping, parking and circulation. If abutting a major or minor arterial, the minimum continual street frontage shall be 250 feet.
    (2) Minimum lot width: None, but sufficient width to accommodate building and pavement setbacks, landscaping, parking and circulation. If abutting a major or minor arterial, the minimum continual street frontage shall be 250 feet.
    (3) Minimum yard requirements: Building setback: 50 feet from an arterial street, 30 feet from other public rights-of-way, 30 feet from all other property lines. Pavement setback: Parking is not permitted in the required front yard setback; 20 feet from all other property lines.
    (4) Maximum lot coverage: All impervious surface areas including, but not limited to, building and pavement shall not cover more than 60% of the site.
(b) Building Requirements.
    (1) Maximum building height to be established by Planning Commission as part of the Development Plan.
(c) Site Development Standards.
    (1) Trash and litter shall be controlled, and stored in container systems which are located and/or enclosed in a manner to screen them from view from adjacent property.
    (2) 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.
    (3) All service and delivery shall be at the rear or side of the building for buildings in excess of 15,000 square feet; and appropriately screened from view with minimal impact on adjacent property.

(4) No materials, supplies, equipment or products shall be stored or permitted to remain on any portion of a parcel outside a permanent structure.

(5) Parking, Loading, Access and Circulation Requirements for uses permitted in this district are set forth in Chapter 1171.

(6) Landscaping and Screening Requirements for uses permitted in this district are set forth in Chapter 1173.

(7) Signage Requirements for uses permitted in this district are set forth in Chapter 1181.

(8) Lighting Requirements for uses permitted in this district are set forth as follows:

A. All exterior lighting shall be designed to direct light downwardly, i.e. cut off type fixtures.

B. All lights shall be arranged to reflect light away from any street or adjacent property.

C. Direct or indirect glare into the eyes of motorists or pedestrians shall be avoided.

D. All types of parking, pedestrian and other exterior lighting shall be on poles or wall mounted cutoff fixtures and shall be from the same type and style.

E. Cutoff type landscape and building up lighting shall be permitted.

F. All building illuminations shall be from concealed sources.

G. Parking lot lighting shall be no higher than 28 feet.

H. No color or flashing lights shall be used to light the exterior of buildings. (Ord. 2006-13. Passed May 1, 2006.)

1156.05 SUPPLEMENTARY STANDARDS FOR CONDITIONAL USES.

All conditional uses shall meet the minimum requirements established by Section 1156.04 unless modified by this section.

(a) Purpose and Intent. The purpose of this section is to establish supplementary standards for certain land uses that may affect adjacent properties, the neighborhood, or the community even if all of the general standards of Section 1156.04 are met. It is the intent of this section to establish appropriate standards for permit processing and for location, design and operation of conditional uses to assure that they will be developed in a manner consistent with the purpose of the Planned Office District.

(b) Development Standards for Multiple Family Use. The Development Standards are those required in the R-4 Multiple Family District.

(c) Development Standards for Senior Citizen Housing and Physically Handicapped Housing.

(1) Lot requirements.

A. Minimum lot area: None, except that lot size shall be adequate to meet all yard and parking requirements.

B. Minimum lot width: None, except that all lots must abut a public street and have adequate width to meet the parking and yard space requirements.

C. Minimum front yard: 30 feet. Pavement areas shall be at least ten feet from the right-of-way.

D. Minimum side yard: For structures, 15 feet. For pavement areas, seven feet.

E. Minimum rear yard: For structures, 15 feet, 20 feet when abutting residential districts. For pavement areas, seven feet.

F. Maximum lot coverage: Main and accessory structures and parking pavement areas shall occupy no more than 50% of the lot.

G. Parking areas shall be no closer to main structures than ten feet.

H. Minimum lot area per dwelling unit shall be calculated on the basis of 1,450 square feet. Minimum lot area per unit may be varied by Planning Commission based upon the merits of the site development plan submitted. The Commission shall consider the factors established by the Site Development Plan, the dwelling unit size and mix, the site configuration and the development incentives set forth in Section 1135.03(c)(3)A, B and C.

(2) Building requirements.

A. Maximum height: 50 feet.

B. Accessory buildings have the same yard requirements as main buildings.

C. Minimum dwelling unit area: A minimum of 400 square feet of living space for efficiency apartments, 500 square feet for one bedroom units and 700 square feet for two bedroom units.

(3) Site development requirements.

A. All applicable subdivision regulations, sign regulations, as well as parking and landscaping regulations of this Zoning Ordinance must be satisfied.

B. Parking accommodations and loading areas shall be provided pursuant to a layout plan designed by the owner of the land to be developed, conforming to Chapter 1171 and showing traffic movement, ingress and egress, traffic control points, the number and size of parking spaces and service areas. In addition, the expected peak hour traffic volume for employees, members of the public and deliveries shall be described by text.

C. Provision for storm drainage shall be adequate to protect the public and owners of surrounding land.

D. Trash and litter shall be controlled and stored in container systems which are located and enclosed in a manner to screen them from view.

E. Provision shall be made for an Emergency Medical Service drive or zone.

F. In addition to the requirements of Section 1111.02(c), a Site Development Plan for any site plan, shall be submitted to the Planning Commission. The plan for senior citizen and physically handicapped housing shall set forth:

1. Natural scenic characteristics preserved.
2. Recreational, educational and social facilities of the development.
3. Pedestrian and bicycle access to neighborhood facilities, parks and scenic areas.
4. Building architectural design and construction materials.

(d) Financial Establishments with Drive-Thru Facilities.

(1) Minimum lot area: Uses with drive-in facilities shall have a minimum lot area sufficient to accommodate building, required yards, landscaping, parking and circulation requirements.

(2) Setbacks and screening:

A. Drive-in windows or lanes shall be located at least 50 feet from any residential property. A solid wood fence, hedge or masonry wall at least six feet in height shall be provided where a drive-in window is located adjacent to residential property and is not required as part of the Landscaping Standards in Chapter 1173.

(3) Off-street parking and circulation:

A. Stacking space and parking shall meet the standards set forth in Chapter 1171. Required stacking spaces shall not block or otherwise interfere with site circulation patterns.

B. Customer/employee parking shall be separated from driving activities and customer parking shall be located near the area with the highest accessibility to the principal building.

C. The circulation system shall provide continuous traffic flow with efficient movement throughout the site. Conflict between major pedestrian movement and vehicular circulation shall be minimized.

(e) Animal Hospitals Including Veterinary Clinics.

(1) Care and boarding shall be limited to small domestic animals and may not include cattle, horses or swine.

(2) Minimum lot area and setback: The minimum lot area for an animal hospital, veterinary clinic or kennel shall be sufficient to accommodate building, required yards, parking, landscaping and circulation requirements. Any structure used for such purposes shall be at least 100 feet from an adjacent residential property.

(3) Operational standards:

A. All activities other than off-street parking, loading/unloading shall be conducted from a fully enclosed structure. This includes exercise runways.

B. Each structure shall be designed and maintained in a manner to prevent the development of unsanitary conditions.

C. Rooms intended to accommodate animals shall be insulated, or otherwise soundproofed and vented so animal noises will not be audible at any point on the perimeter of the property.

(f) Wireless Telecommunication Facilities.

(1) Minimum lot area: The minimum required by the zoning district, but not less than one (1) acre.

(2) Setbacks: Equal to the height of the tallest structure, but in no case less than zoning district requirements. The setback requirement based on height is not applicable when the proposed facility is constructed on or in an existing structure and does not extend more than 20 feet above the existing structure.

(3) Height: The maximum height of a tower shall be 150 feet including the antenna. The Planning Commission may allow the maximum height to increase to 200 feet to accommodate co-location. Equipment shelters shall meet district standards.

(4) Screening: Perimeter landscaping would be required around fencing at the base of the tower and around any building or equipment. The landscaping should have a year round opacity of 75%. A six foot minimum height would be required at installation for landscaping around the base of a tower. the Planning Commission may elect, in certain instances, to accomplish screening by materials other than landscaping.

(5) Parking and access: A paved access drive and one paved parking space for a service vehicle.

(6) Lighting. On site: Cutoff style fixtures for control of light spread. On tower: None, unless required by the Federal Aviation Administration (FAA).

(7) Color: The tower shall be painted a non-contrasting gray or similar color to minimize its visibility unless otherwise required by the Federal

Communications Commission (FCC) or Federal Aviation Administration (FAA).

(8) Emissions: Emissions standards for electromagnetic fields must be in compliance with current and future Federal Communication Commission (FCC) standards.

(9) Co-location: All approved installations must allow other providers to co-locate on the same pole to the extent technologically feasible at a reasonable and competitive market rate. All requests for new installation must demonstrate that there is no available space on existing towers or other suitable support structure within the established service area. New installations on an existing permitted tower are exempt from the conditional use process and may proceed with a standard building permit approval.

(10) Construction: All new towers shall be constructed to be capable of accommodating at least one additional wireless communication installation for another service provider.

(11) Removal: The applicant or any subsequent owner of the facility will remove it within 90 days of obsolescence or abandonment. Obsolescence is defined as being replaced by new technology. Abandonment would occur when the provider is no longer operating a viable telecommunication network using this facility.

(12) Design: Preference will be given to monopole construction. Only monopole construction would be allowed in residential districts.

(13) Signage: No signage or advertising is to be displayed on the tower structure. (Ord. 2006-13. Passed May 1, 2006.)

1156.06 PLAN CONTENTS AND REQUIREMENTS.

(a) As part of the request for rezoning to a Planned Office District, a Preliminary Plan must be submitted to the Planning Commission 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 sites until a Development Plan is approved by the Planning Commission 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 was 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. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1173.

F. A proposed schedule of 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 Commission necessary to determine that the proposed development meets the intent and purposes of the Planned Office District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall, through narrative and graphics, as necessary, 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 prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission 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 1173, 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. (Ord. 2006-13. Passed May 1, 2006.)

1156.07 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 Planning Commission.

(6) That the plan provides for the coordination or 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 Section 1156.06(a).

(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 Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate Village agency and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

(Ord. 2006-13. Passed May 1, 2006.)

1156.08 PROCEDURES FOR APPROVAL.

(a) Submission of application for Preliminary Plan.

(1) Prior to filing an application for rezoning to a Planned Office District, the applicant shall meet with 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 Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, 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 Planning Commission for their review and action, which shall be accomplished within a reasonable time. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward recommendations to Village Council.

(4) A Preliminary Plan shall be valid for five 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) Prior to filing for Development Plan approval, the applicant shall meet with the Centerburg Planning staff 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 Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, 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 Planning Commission 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 Planning Commission 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 Commission shall approve the plan. With the approval of the Planning Commission, 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 Planning Commission 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 Council for approval.

(4) In the event that the Planning 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 Commission. Decisions of the Planning Commission disapproving the plan or approving it with minor modifications are appealable to Village Council in accordance with the provisions of Section 1107.06(d).

(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 Planning Commission or 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 Planning Commission, 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 Planning Commission 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 Council for approval. Development of land shall not proceed prior to 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 Planning Commission and/or 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. No action by the Board of Zoning Appeals is required for these variances. (Ord. 2006-13. Passed May 1, 2006.)