

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE LAND DEVELOPMENT CODE TO EXPEDITE THE DEVELOPMENT APPROVAL PROCESS

WHEREAS, the Land Development Code was adopted in December 1999; and

WHEREAS, since its adoption, the Land Development Code has been amended to authorize administrative review and approval of certain minor projects and to streamline the review process for development in Districts 6 and 8; and

WHEREAS, pursuant to Ordinance No. 04-54, adopted June 2, 2004, the Land Development Code was amended to create a class of minor residential projects that staff can review and approve administratively; and

WHEREAS, pursuant to Ordinance No. 09-47, adopted August 5, 2009, the Land Development Code was amended to establish the Design Subcommittee for development in Districts 6 and 8 and zoning development, site plan, and design standards for Districts 6 and 8; and

WHEREAS, pursuant to Ordinance No. 09-117, adopted February 3, 2010, the Land Development Code was amended to transfer zoning certificate approval of projects in Districts 6 and 8 from the Architectural and Historic Board of Review to the Planning Commission; and

WHEREAS, pursuant to Ordinance No. 16-57, adopted December 20, 2016, as a result of certain Charter amendments approved at the November 3, 2015 general election, the Land Development Code was amended to (1) specify that the Planning Commission may approve zoning certificates only for new non-residential buildings in Districts 6 and 8 and not for small additions or alterations to existing building; (2) clarify that the Planning Commission has the power to take final action on site plans and zoning certificates for new non-residential development in Districts 6 and 8, which is not currently explicitly stated in the code; (3) clarify that the Design Subcommittee for Development in Districts 6 and 8 makes recommendations on the design of structures, not the site plan as currently stated in the code; (4) expand staff's authority to approve minor improvements to non-residential development, in addition to residential development; (5) reduce the amount of time in which a zoning certificate expires (the deadline to complete a project), from two years to one year; and (6) add a definition for "Minor Improvements, Nonresidential"; and

WHEREAS, the Land Development Code permits Planned Developments (PDs) in many zoning districts and the PD planning process provides flexibility in meeting City requirements which permits creative and sustainable development while maintaining the City's character; and

WHEREAS, City staff recommends that the Land Development Code be amended to streamline the PD approval process by removing the resubmittal procedure for preliminary PD plans that are recommended to Council for approval by the Planning Commission with conditions

and to further define what constitutes a minor modification to an approved plan which can be reviewed and approved by the City Manager; and

WHEREAS, City staff also recommends amendments to the Land Development Code regarding PDs, including the minimum area requirement, open space requirements, and amendments to certain District 5 regulations to permit development more typical of the village core; and

WHEREAS, the Phase II of the Downtown Redevelopment project will benefit from the Land Development Code amendments set forth in this Ordinance; and

WHEREAS, this Council has introduced the within Ordinance and referred it to the Planning Commission pursuant to its obligation under Land Development Code Section 1203.03 to follow said procedure; and

WHEREAS, the Planning Commission has submitted its recommendation to Council and Council has held its own public hearing on this Ordinance, and upon which Council determines that the proposed amendments to Chapter 1201, 1202, 1203, 1204, 1205, 1206, 1207 and 1213 of the Land Development Code should be adopted as being consistent with the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the Council of Hudson, Summit County, State of Ohio, that:

Section 1. Chapter 1201, “General Provisions,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1201 – GENERAL PROVISIONS

* * *

Section 1201.04 Applicability and Jurisdiction

The provision of this land development code shall apply to:

- (a) All land and land development within the incorporated areas of the City of Hudson; and
- (b) Use of all structures and land within the incorporated areas of the City of Hudson; and
- (c) All structures and land owned by the ~~city~~ City of Hudson or by ~~city~~ its agencies, departments, ~~districts~~, or utilities, except that the ~~city~~ City of Hudson or ~~city~~ its agency, department, ~~district~~, or utility may be exempt from the provisions of this code ~~when an emergency exists such that~~ where the City Manager or his/her designee has determined that it is impossible not feasible for timing, practical or fiscal reasons to submit to the normal procedures and requirements of this land development code and quick and instant action is necessary to secure the public health, safety, or welfare. The reasons for the non-feasibility shall be set forth in writing to the City Council. For the exemption to be effective, The City Council shall must approve, or ratify such exemption after-the-fact, such exemption at its

next regularly scheduled public meeting, and shall base its approval or ratification on specified findings of fact ~~related to the emergency involved.~~

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Section 1201.07 Rules of Measurement

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(c) *Setbacks – Building and Structure Setbacks from Lot Line*

Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section. (See Figure 2.)

1. Features Allowed Within Setbacks:

- A. Driveways, patios, parking lots, and sidewalks provided that the edge of a ~~driveway~~ such structures shall be set back at least three (3) feet from an adjacent property line.
- B. Steps to the principal entrance and necessary landings, together with railings no more than three (3) feet in height, and associated roofs, provided they do not extend more than six (6) feet into the required yard setback;
- C. Trees, vegetation, or other features of natural growth;
- D. Fences or walls subject to height restrictions set forth in this Code;
- E. Chimneys not more than eight (8) feet in width, bay windows, balconies on second and third floor levels, buttresses, piers, pilasters, outdoor access ways to basement areas protected by railings at least two feet six inches (2'6") high on two sides, and roof overhangs may project no more than three (3) feet into a required yard;
- F. Cornices, canopies, eaves, or other similar architectural features may extend no more than two (2) feet, six (6) inches into a required yard;
- G. Fire escapes and handicap ramps, together with associated roof provided they project no more than thirty (30) percent of the required yard setback dimensions;
- H. Utility lines, wires, and associated structures such as power poles; and
- I. Signs if permitted by the sign regulations of this Code.

* * *”

Section 2. Chapter 1201, “General Provisions,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 3. Chapter 1202, “Administrative and Review Roles,” of the Land Development Code, be amended in part to read as follows:

“CHAPTER 1202 – ADMINISTRATIVE AND REVIEW ROLES

* * *

Section 1202.02 Planning Commission

(a) *Powers and Functions*

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Planning Commission (PC) with respect to administering this Code are as follows:

* * *

- (3) ~~Site Plans Generally. Hold public hearings, review and take final action on proposed site plans, except for minor development site plans (unless called up by the (PC) and except for major development site plans that are called up by the City Council.~~

* * *

- (5) Site Plans - Minor and Basic Developments. Review and take final action on proposed site plans for minor and basic developments referred to the Commission from the City Manager or called up by the PC.
- (6) ~~Site Plans Design Review and Zoning Certificate Approval - Non-Residential Development in Districts 6 and 8. Review and take final action on proposed site plans, except for minor development site plans (unless called up by the PC and except for major development site plans that are called up by the City Council.~~ As appointed to the Design Sub-Committee for Development in Districts 6 and 8, review plans for the design of buildings and other structures ~~except for minor improvements~~, for proposed ~~new non-residential~~ major developments and make recommendations to the Planning Commission. Take final action on zoning certificates for ~~new non-residential~~ major development.

* * *

Section 1202.04 Architectural and Historic Board of Review

(a) *Powers and Functions*

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the Architectural and Historic Board of Review (AHBR) with respect to administering this Code are as follows:

- (1) Architecture/Design Guidelines/Historic Preservation--Residential and Commercial Development. Review applications for new structures, additions, alterations, fences, and signs, except for minor ~~improvements~~ development and all development in Districts 6 and 8, and take final action relating to their compliance with all applicable architectural, design, and/or historic preservation guidelines and requirements. Review and take final action on applications for minor development ~~residential improvements~~ referred to the Board from the City Manager.
- (2) Architecture/Design/Historic Preservation Development in Districts 6 and 8. As appointed to the Design Sub-Committee for Development in Districts 6 and 8, review plans for the design of buildings and other structures ~~except for minor improvements~~ for proposed major developments and make recommendations to the Planning Commission.

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Section 1202.05 Design Sub-Committee for Development in Districts 6 and 8

(a) *Powers and Functions*

As amended by ordinance from time to time, the powers and functions of the Design Sub-Committee for Development in Districts 6 and 8 with respect to administering this Code are as follows:

- (1) Design Review – ~~New Non-Residential~~ Developments in Districts 6 and 8. Review plans for the design of buildings and other structures ~~except for minor improvements~~, for proposed ~~new non-residential~~ major developments in Districts 6 and 8 and report its comments and recommendations to the Planning Commission relating to such plans' compliance with applicable design guidelines and requirements.

* * *

Section 1202.06 City Manager

As amended by the Charter of the City of Hudson from time to time, the powers and functions of the City Manager and his staff with respect to administering this Code are as follows:

- (a) *Site Plans—~~Generally~~ Major Developments.* Review and make recommendations to the Planning Commission on all applications for site plans for major development.
 - (b) *Site Plans—Minor and Basic Developments.* Review and take final action on site plan applications for minor and basic developments, or as necessary refer such applications to the Planning Commission.
- * * *
- (j) *Architecture/Design/Historic Preservation Compliance-Generally.* Review and make recommendations to the Architectural and Historic Board of Review on applications for basic and major residential and commercial development except for development in Districts 6 and 8 relating to compliance with architectural/design and/or historic preservation guidelines and requirements. Review and make recommendations to the Design Subcommittee for Development in Districts 6 and 8 on applications for major development in Districts 6 and 8 relating to compliance with industrial building design standards.
 - (k) *Architecture/Design/Historic Preservation Compliance – Minor ~~Improvements~~ Development.* Review and take final action on zoning applications for minor improvements development, or as necessary refer such applications to the AHBR.

* * *

Section 1202.07 Summary Table – Administrative and Review Roles

Type of Application or Review	MAYOR & CITY COUNCIL	PLANNING COMMISSION	BZBA	AHBR	DESIGN SUBCOMMITTEE FOR DEVELOPMENT IN DISTRICTS 6 AND 8	CITY MANAGER/STAFF
Code/Map Amendments	Final Action	Review/Recommendation	----	----		Review/Recommendation
PDS Preliminary	Final Action	Review/Recommendation	----	----		Review/Recommendation
PDs Final	---	Final Action	----	----		Review/Recommendation
Subdivisions	Appeals	Final Action	----	----		Review/Recommendation
Site Plans-Major Developments	Final Action on Called-Up Applications Appeals	Final Action (Unless City Council Calls Up)	----	----	Review/Recommendation on Design of Structures in Districts 6/8	Review/Recommendation
Site Plans-Minor Developments	<u>Appeals</u>	Final Action When Referred by City Manager or Called Up Appeals	<u>Appeals</u>	----	---	Final Action Unless Referred to PC
Site Plans- All Other Basic Developments	Appeals	Final Action <u>when</u> referred by City <u>Manager</u>	<u>Appeals</u>	----	Review/Recommendation on Design of Structures in Districts 6/8	Review/Recommendation Final action unless referred to PC
Conditional Uses	----	Final Action	Appeals	----		Review/Recommendation
Development Agreements	Final Action	Review/Recommendation	----	----		Review/Recommendation
Architecture//Design Review/Cert of Appropriateness <u>Major Development</u>	----	Final Action (Nonresidential in Districts 6 and 8)	Appeals on Certs of Appropriateness	Final Action except Districts 6/8	----	Review/Recommendation
<u>Architecture//Design Review Basic Development</u>	----	----	<u>Appeals</u>	<u>Final Action</u>	----	<u>Review/Recommendation</u>
<u>Architecture/Design Review Minor Development</u>	----	----	<u>Appeals</u>	<u>Final Action When Referred by City Manager</u>	----	<u>Final Action</u>
<u>Architecture/Design Review Districts 6/8 Major Developments</u>	<u>Appeals</u>	<u>Final Action</u>	----	----	<u>Review/Recommendation</u>	<u>Review/Recommendation</u>

<u>Architecture//Design Review 6/8 Basic Minor</u>	<u>Appeals</u>	<u>Final Action When Referred by City Manager</u>	----	----	----	<u>Final Action</u>
Variances	----	----	Final Action	----		Review/ Recommendation
Nonconforming Uses/Buildings/Lots	----	----	Final Action	----		Review/ Recommendation
Interpretations	----	----	Appeals	----	----	Final Action-Use Classifications &Map Interpretations
Minor Modifications	----	----	----	----	----	Final Action
Minor Improvement	----	----	----	----	----	Final Action

* * *

Section 4. Chapter 1202, “Administrative and Review Roles,” of the Land Development Code of the Codified Ordinances of the City of Hudson, to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 5. Chapter 1203, “Development Review and Administrative Procedures,” of the City’s Land Development Code is amended to read as follows:

“CHAPTER 1203 DEVELOPMENT REVIEW AND ADMINISTRATION PROCEDURES.

* * *

Section 1203.02 Core Development Review Procedure

All development applications are subject to the following seven-step core approval procedure, unless variations or exceptions to the core procedure are expressly provided for in the particular development application requirements set forth in this Chapter.

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(d) *Step 4: Planning Commission Action or Recommendation*

(1) When Public Hearings Required. The following development applications are subject to Planning Commission review and shall be considered and acted upon only after a public hearing before the PC.

- Applications for Rezoning
- Applications for Preliminary and Final Subdivision Plats, except in Districts 6 and 8.
- Applications for Concept Plan and Final Site Plan Review for Major Developments and those referred to Planning Commission by the City Manager.
- Application for Conditional Uses
- Applications for Planned Developments
- Applications for Development Agreements
- Proposed Amendments to Code or to the Comprehensive Plan

(2) When Only Planning Commission Action is Required Without Public Hearing.

- Applications for Concept Plan and Final Site Plan Review for major development in Districts 6 and 8.
- Applications for Preliminary and Final Subdivision Plats in Districts 6 and 8.

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(f) *Step 6: AHBR Review and Action*

(1) When AHBR Review and Action Required.

(A) Areas Other Than in the Historic District and Other Than Historic Landmarks. ~~Architectural and Historic Board of Review (“AHBR”)~~ review occurs after a proposed development has received site plan approval, ~~except new development in Districts 6 and 8.~~ The following development applications are subject to AHBR review and shall be acted upon at AHBR’s regularly scheduled public meetings, or at a special meeting or public hearing if called:

- ~~▪ Applications for AHBR approval of new residential structures (including accessory structures), additions (including decks), alterations, and fences, except for minor residential improvements.~~
- ~~▪ Applications for AHBR approval of new non-residential structures, additions, alterations, and fences (except development in Districts 6 and 8 and minor improvements).~~
- ~~▪ Applications for AHBR approval of signs.~~
- ~~No permit shall be issued for the demolition of any building or structure located outside an historic district and not designated as an historic landmark until such proposed demolition is first reviewed by the AHBR to determine whether the building or structure has historic or architectural significance and to determine whether the applicant for such permit will voluntarily consent to the retention of such building or structure as appropriate. For purposes of this section, the terms >alteration= and >remodeling= do not include the term >demolition=. For purposes of this section, the term >demolition= shall mean the act of completely tearing down or removing a building or structure.~~
- Applications for basic and major developments outside of Districts 6 and 8.
- Applications for minor and basic development referred to AHBR by the City Manager.

(2B) Areas in the Historic District or Historic Landmarks. AHBR shall review all development within the Historic District and all development affecting a historic landmark that will affect the exterior architectural features of such structure or building. AHBR review shall occur before issuance of a zoning certificate for the development.

(32) When AHBR Recommendations Required. The AHBR, as represented on the Design Sub-Committee for Development in Districts 6 and 8, shall

recommend to the Planning Commission final action on all applications for the design of buildings and other structures, ~~except for minor improvements~~, for new major development in Districts 6 and 8. Such recommendation shall be either to approve, approve with conditions, or deny the application for such a development based on its compliance with the use, development, and design standards set forth in this Code.

* * *

(g) *Step 7: Certificate of Zoning Compliance*

(1) When Required. A certificate of zoning compliance (also referred to as a Zoning Certificate or zoning permit) is a condition precedent to the commencement of any of the following types of development or land use activity within the City of Hudson:

(A) Residential development, above ground, including new single-family developments on single lots, accessory structures, additions, alterations, demolitions, and fences.

(B) Surface structures such as patios, athletic courts, and driveways in District 4 and Open Space Conservation Subdivisions only.

~~(BC)~~ Industrial development.

~~(CD)~~ Commercial development, including accessory structures, additions, alterations, demolitions, and fences.

~~(DE)~~ Grading, cutting, clearing or ~~undertaking~~ any other land disturbance activity.

~~(EF)~~ Occupy, use, or change the use or alter any structure or land.

~~(FG)~~ Erection, moving or replacement of signs.

(2) Application for Zoning Certificate--Conditions Precedent for Issuance. An application for a zoning certificate shall be submitted as part of the application for ~~AHBR~~ design approval of residential or commercial development, or erection of signs. For major nonresidential developments in Districts 6 and 8, an application for zoning certificate shall be submitted as part of the application package for PC and/or City Council approval of the site plan. A zoning certificate shall be issued only after the applicant has received the following approvals:

~~(A) Residential Development Generally.~~ ~~Prior to issuance of a zoning certificate for residential development, including construction of a single family dwelling on an individual lot, the applicant first shall have received all of the following:~~

- Final site plan approval; and
- Final approval of any conditional uses or variances (when applicable); and
- AHBR Final design approval; and
- Satisfaction of any conditions of approval; and
- Residential allotments pursuant to Chapter 1211 of this Code for new residential dwellings.

~~(B) Commercial Development.~~ ~~Prior to issuance of a zoning certificate for commercial development, the applicant shall have received all of the following:~~

- ~~Final site plan approval; and~~
- ~~PC approval pursuant to adopted design guidelines for development in Districts 6 and 8 for the design of buildings and other structures for new non-residential development; or~~
- ~~AHBR approval (including AHBR approval of any proposed signs);~~

Except that a zoning certificate to permit clearing and grading, and/or utility installation and related site work may be issued consistent with the final site plan approval in advance of the zoning certificate to permit building construction.

(C) ~~Industrial Development. Prior to issuance of a zoning certificate for industrial development, the applicant shall have received all of the following:~~

- ~~Final site plan approval; and~~
- ~~PC approval pursuant to adopted design guidelines for development in Districts 6 and 8 the design of buildings and other structures for new non-residential development;~~

~~Except that a zoning certificate to permit clearing and grading, and/or utility installation and related site work may be issued consistent with the final site plan approval in advance of the zoning certificate to permit building construction.~~

(D) ~~Signs. Prior to issuance of a zoning certificate for signs, the application shall have received all of the following:~~

- ~~Final approval of any variances or conditional use requirements (when applicable); and~~
- ~~AHBR approval except for minor improvements.~~

(E) ~~Minor Improvements. Prior to issuance of a zoning certificate for minor improvements, the applicant shall first have received all of the following:~~

- ~~Final site plan approval; and~~
- ~~City Manager approval for architecture/design/historic preservation compliance.~~
- ~~Applications involving PC or BZBA action shall be referred to AHBR, except development in Districts 6 and 8.~~

(3) ~~Issuance of Zoning Certificates. A zoning certificate shall be issued within seven (7) days after final action and approval, by the AHBR for residential and commercial developments and for signs, after final action by the City Manager for minor improvements and after final action and approval by the PC and/or City Council on a site plan application for developments in Districts 6 and 8.~~

(4) ~~Time Limit on Zoning Certificates. Unless construction is commenced within six (6) months of the date of issuance of a zoning certificate and completed within twenty-four (24) twelve (12) months of the date of issuance, such certificate shall then automatically lapse and be null and void. These time limits may be extended by the City upon a showing that there has been continuing construction activity on the site during the twenty-~~

~~four (24)~~ twelve (12) months of the date of issuance. Construction or improvement of a new or existing structure shall be deemed to have commenced upon completion of the in-ground permanent foundation, or if constructed utilizing slabs, piers, pilings, or pole construction, completion of the structural framework of the building constituting the authorized work under the permit.

(h) Summary Table – Core Development Review Process by Application Type

	<u>Step 1</u> Pre- Application Review	<u>Step 2</u> Application	<u>Step 3</u> Staff Review & Report	<u>Step 4</u> PC Action	<u>Step 5</u> City Council Action	<u>Step 6</u> AHB R Action	<u>Step 7</u> Zoning Certificate	<u>Comments</u>
Code Amendments- Text/Map	V	A	A	A-SR	A-SR	N/A	N/A	
PD-Preliminary Plan	M	A	A	A-SR	A	N/A	N/A	
PD-Final Plan	V	A	A	A-SR	N/A	N/A	N/A	
Conditional Uses	V	A	A	A-SR	N/A	N/A	A	
Nonconforming Uses/Structures/Lots	V	A	A	N/A	N/A	A-SR	A	BZBA Final Action-SR
Variances	V	A	A	N/A	N/A	N/A	N/A	BZBA Final Action-SR
Minor Modifications	V	A	A	N/A	N/A	N/A	N/A	City Mgr Final Action-SR
Concept and Final Site Plan Review – <u>Major Development</u>	M-Major M-All Others Except Minor	A	A	A-SR	A- Major Only- SR	N/A	A	City Mgr Final Action on Minor- SR; PC call- up of Minor- SR; City Council call-up of Major-SR
<u>Site Plan Review –</u> <u>Minor and Basic</u> <u>Development</u>	<u>M</u>	<u>A</u>	<u>A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	<u>City Mgr</u> <u>may refer</u>
Preliminary Subdivision	M	A	A	A	N/A	N/A	N/A	
Final Subdivision	V	A	A	A	N/A	N/A	N/A	
Development Agreements	V	A	A	A	A	N/A	N/A	
Architectural/Design Review/Cert of	V <u>M</u>	A	A-SR	N/A	N/A	A	A	AHBR consent

<u>Appropriateness – Major Development</u>								agenda for minor items
<u>Architectural/Design Review – Districts 6/8</u>	<u>M</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	
<u>Architectural/Design Review – Basic Development</u>	<u>V</u>	<u>A</u>	<u>A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	<u>A</u>	
<u>Architectural/Design Review - Minor Development Improvements</u>	<u>N/A</u> <u>V</u>	<u>A</u>	<u>A-SR</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>A</u>	City Mgr may refer

Section 1203.03 Code Amendments

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(j) *Amendments to an Approved Site-Specific Development Plan*

Any change or modification to an approved site-specific development plan that does not qualify as a minor modification pursuant to subsection (i) above must be submitted as a new application for approval of a ~~preliminary~~ final PD plan and follow the procedures set forth in Section 1203.04(d), “Planned Developments,” of this Chapter.

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Section 1203.04 Planned Developments

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(c) *Procedures for Approval of a Preliminary PD Plan*

Planned Developments, similar to subdivisions, are first approved in preliminary form, and then approved in final form. Applications for approval of a Preliminary PD Plan shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:

* * *

- (2) Step 4: Planning Commission Action. The PC’s role shall be to review all applications for Preliminary PD Plans and make a recommendation to the City Council to either approve, approve with conditions, or deny the application based on its compliance with the standards set forth in Section 1203.04(e) below. ~~If the PC recommends approval of an application with conditions, before proceeding to Step 5, City Council Review and Action, the application shall resubmit to the PC a revised Preliminary PD Plan that reflects any changes or modifications required or suggested by the PC in its initial review. Within sixty (60) days of receipt of the revised Preliminary Planned Development plan, the PC shall complete its review and take action by recommending to the City Council that the application and PD plan as revised either be approved with the prior conditions in place or denied.~~

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(i) *Modifications of Final PD Development Plan*

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- (2) Any change that does not qualify as a minor modification as set forth in Section 1203.08 shall be considered amendments and shall be processed in accordance with the procedure for approval of a ~~Preliminary~~ Final PD Plan.”

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Section 1203.08 Minor Modifications

(a) *Applicability*

The City Manager shall have the authority to grant minor modifications to approved site plans, site-specific development plans, final PD plans, and final subdivision plats, and from specified development standards as set forth below:

* * *

- (2) Minor Modifications to Other Approved Plans/Plats. The City Manager may grant minor modifications and amendments to an approved site specific development plan, final PD plan, or final subdivision plat provided the City Manager finds that such modification advances the goals and purposes of this Code and results in more effective environmental or open space preservation or relieves practical difficulties in developing a site for reasonable economic use. In no circumstance, however, shall the City Manager approve a modification or amendment that results in:
- (A) An increase in overall project density by greater than ten (10) percent;
 - (B) An increase in the amount of impervious coverage or ratio of floor area to lot area by greater than ten (10) percent;
 - ~~(C) A decrease in lot size; or~~
 - ~~(D) A change in permitted uses or mix of uses.~~

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Section 1203.09 Site Plan Review

(a) *Step 1: Pre-Application Conceptual Review*

Purpose. The purpose of the site plan review process is to ensure compliance with the zoning standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan

(b) *Applicability*

1. All development in the city, including construction of a single-family dwelling on an individual lot, shall be subject to the site plan review procedures set forth in this section. No development or construction activity, including tree/vegetation removal or grading, shall occur on property subject to this section until a site plan has been approved.
2. Site plans for minor and basic developments, as defined in this section, may be finally approved by the City Manager in lieu of final action by the Planning Commission, except when such site plan is either transmitted to or called up by the PC, in which case the PC shall have final approval authority.
3. Site plans for all other developments, including major developments, as the latter is defined in this section, shall be finally approved by the Planning

Commission, except when such site plan is called up by the City Council, in which case the City Council shall have final approval authority.

(c) *Coordination with Conditional Use Approval*

Applications for approval of a conditional use may be processed concurrently or joined with the application for site plan approval required herein. A joint application for site plan and conditional use approval shall be submitted in a form that satisfies the requirements of both this chapter and the conditional use provisions. (See Section 1203.01(e) above.)

(d) *Minor Development Defined*

“Minor development” means:

- ~~1. New construction of one single family dwelling that will not require off-site construction of any new street or road; or~~
- ~~2. New construction, including renovations, alterations, or expansions to an existing building, that involves an increase in existing building footprint, or impervious coverage of the site of ten (10) percent or less and is not greater than one thousand (1,000) square feet, or two thousand (2,000) square feet in Districts 6 or 8; or~~
- ~~3. Establishment or increase in outdoor restaurant seating of no more than twelve (12) seats; or~~
- ~~4. Expansion of an existing parking lot of up to ten (10) parking spaces or up to ten percent of spaces, whichever is less.~~
1. Small residential or nonresidential projects including fences, decks, site work, signs, alterations except nonresidential alterations that face the public realm, demolitions of structures less than fifty (50) years old, and accessory structures and additions of less than 250 gross square feet; or
2. Developments in Districts 6 and 8 that involve an increase in the existing building footprint of ten (10) percent or less, except new buildings.
3. Developments in the Historic District are not minor developments.

(e) *Basic Development Defined*

“Basic development” means new construction including expansions of an existing building, that is:

1. Residential projects including new single family detached houses, and accessory structures and additions greater than 250 gross square feet and less than 2,000 gross square feet or that involve an increase in the existing building footprint of twenty (20) percent or less; or
2. Nonresidential projects including accessory structures and additions greater than 250 gross square feet and less than 2,000 gross square feet or that involve an increase in the existing building footprint of twenty (20) percent or less, demolitions of structures fifty (50) years old or older, signs, and alterations that face the public realm.
3. All development within the Historic District.

(e)f) *Major Development Defined.*

“Major development” means new construction; including ~~renovations, alterations, or~~ expansions of an existing building, that is:

1. Development that is greater than 2,000 gross square feet or that involves an increase in the existing building footprint of twenty (20) percent or more,

~~except in Districts 6 and 8. Greater than or equal to the following gross floor areas:~~

~~A. Office Uses: 50,000 square feet.~~

~~B. Industrial Uses: 75,000 square feet.~~

~~C. Commercial/Retail: 25,000 square feet; or~~

- ~~2. Development in Districts 6 and 8 that involves an increase in the existing building footprint of fifty (50) percent or more. Intended for occupancy by a combination of a principal residential use and one or more principal non-residential uses; or~~
- ~~3. On a lot or parcel that contains fifty percent (50%) or more land area designated as falling within the two highest quality ecological integrity classifications for any of the individual metrics or composite as set forth in Appendix B to this Code.~~

(fg) *Site Plan Approval Procedure for Minor and Basic Developments*

Applications for site plan approval for minor and basic developments shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:

- (1) After Step 3 “Staff Review and Report”: Action by the City Manager.
Within sixty (60) days from the date that a submitted application is certified as complete pursuant to Section 1203.10(c) above, the City Manager shall take final action on applications for site plan approval for minor and basic developments by either approving, approving with conditions, or denying such application based on its compliance with the standards set forth in Section 1204.04.
- (2) Authority to Transmit Minor and Basic Development Site Plan Application to the PC.
 - (A) Notwithstanding the authority of the City Manager to review and approve site plans for minor and basic developments as set forth herein, the City Manager may transmit such application to the Planning Commission for review and final action if the City Manager determines that the development’s complexity, projected impacts, or proximity to conflicting land uses merits such action.
 - (B) Within forty-five (45) days from receipt of the City Manager’s transmittal of the minor and basic development site plan application, the PC shall take final action by either approving, approving with conditions, or denying the application, based on the site plan’s compliance with the standards set forth in Section 1203.09(i) below.

* * *

- (4) Step 6: AHBR Design Review and Action. At the applicant’s option, an application for ~~AHBR~~ architecture and design review of ~~a minor~~ development may be filed for concurrent review with the application for site plan approval.

(gh) *Site Plan Approval Procedures for All Other Major Developments*

Applications for site plan approval for ~~all other major~~ developments, ~~including major developments~~, shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:

- (1) Step 1: Pre-Application Conceptual Review. Pre-application conceptual review shall be mandatory for all persons intending to submit an application for site plan approval for a major development.

* * *

- (3) Step 32: Planning Commission Action. The PC's role shall be to review all applications for concept plan and final site plan approval, together with the staff report, and take final action either approving, approving with conditions, or denying the application based on its compliance with the standards set forth in Section 1204.04.

* * *

(h*i*) *Standards for Review*

All applications for site plans shall demonstrate compliance with the standards and criteria set forth in Section 1204.04 of this Code.

(i*j*) *Application*

Applications for site plan approvals shall be submitted to the City Manager upon such forms as approved by the City Manager.

(j*k*) *Submittal Requirements*

See Appendix A for submittal requirements for an application for site plans.

* * *

Section 1203.11 Development Agreements

* * *

(c) *Procedures for Approval of a Development Agreement*

Applications for approval of a development agreement shall follow the core development approval process set forth in Section 1203.02 of this Chapter, except for the following modifications:

- (1) Step 4: Planning Commission Action. The PC shall hold a public hearing at which it shall review a proposed development agreement and application and make a recommendation to the City Council to either approve, approve with conditions, or deny the application based on its compliance with the standards set forth in Section 1203.11(d) below.

~~If the PC recommends approval of an application with conditions, before proceeding to Step 5, City Council Review and Action, the applicant shall resubmit to the PC a revised development agreement that reflects any changes or modifications required or suggested by the PC in its initial review. Within sixty (60) days of receipt of the revised development agreement, the PC shall complete its review and take action by recommending to the City Council that the application and development agreement as revised either be approved with the prior conditions in place or denied.~~

* * *

Section 1203.13 General Notice Provisions

(a) *Notice of Public Hearings-Generally*

* * *

(3) Posted Notice.

(A) Upon the receipt of any application to the Planning Commission or the Board of Zoning and Building Appeals which requires the action

of or a public hearing before the Planning Commission or the Board of Zoning and Building Appeals, either the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated action for the purpose of giving notice of a meeting or public hearing, which sign shall be placed no less than seven days before the respective meeting or public hearing on the matter.

- (B) Upon the receipt of any application for a zoning certificate that will result in an impervious surface coverage of 40% - 60% of a lot in District 4 or in an Open Space Conservation Subdivision, the City Manager shall cause a temporary sign to be placed on the property which is the subject of the application or contemplated action for the purpose of giving notice of the impending improvement and/or a meeting, which sign shall be placed no less than five days before the meeting on such matter, or if there is no meeting required, within three days of application.

(b) *Summary of Notice Requirements by Type of Action*

Type of Application	Public Hearing Required (Y/N)				Newspaper Notice Required (Y/N-# Days)	Written Notice to Parties in Interest and Adjacent Owners (Y/N-# Days)
	PC	City Council	BZBA	AHBR		
Code Text or Comp Plan Amendments	Y	Y	N	N	Y 10 days **30 days	N
Zoning Map Amendments	Y	Y	N	N	Y 10 days **30 days	*Y 15 days
PDs (Preliminary and Final)	Y	Y	N	N	Y 10 days	*Y 15 days
Conditional Uses	Y	Y	N	N	Y 10 days	*Y 15 days
Nonconforming Uses/Structures/Lots	N	N	Y	Y	Y 10 days	*Y 15 days
Variances	N	N	Y	N	Y 10 days	*Y 15 days
Minor Modifications	N	N	N	N	N/A	N/A
Site Plan Review – Minor and Basic Development	N	N	N	N	N/A	N/A
Site Plan Review Districts 6 and 8	N	N	N	N	N/A	N/A
Site Plan Review – All Others Major Development	Y	N	N	N	Y 10 Days	*Y 15 days

Preliminary Subdivision	Y	N	N	N	Y 10 Days	*Y 15 days
Preliminary Subdivision Districts 6 and 8	N	N	N	N	N/A	N/A
Final Subdivision	Y	N	N	N	Y 10 days	*Y 15 Days
Final Subdivision Districts 6 and 8	N	N	N	N	N/A	N/A
Development Agreements	Y	Y	N	N	Y 10 Days	*Y 15 Days
Architecture & Design Review	N	N	N	N	N/A	N/A
Certificate of Appropriateness	N	N	N	N	N/A	N/A

*Posted notice on the property seven (7) days prior

**30 day public inspection period prior to Council hearing”

* * *

Section 6. Chapter 1203, “Development Review and Administration Procedures,” of the City’s Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 7. Chapter 1204, “General Review Standards,” of the City’s Land Development Code is amended to read as follows:

“CHAPTER 1204 GENERAL REVIEW STANDARDS

* * *

Section 1204.02 Planned Developments

(a) Purpose

Within specified zone districts, planned developments are intended to encourage flexibility, innovation, and creativity in site and development design by allowing the mixing of permitted uses and/or modification or variation from otherwise applicable zone district and development standards. ~~Planned developments containing only residential uses are permitted in Districts 1 and 3, planned developments mixing residential and commercial uses are allowed in District 5 (the Village Core). Commercial planned developments are allowed in Districts 5, 6 (office only), 8, and 10, while industrial planned developments are permitted only in Districts 6 and 8.~~ In return for maximum flexibility in site design and development, planned developments are expected to deliver exceptional quality products that preserve critical environmental resources, provide above-average open space amenities, incorporate creative design in the layout of buildings, open space, and circulation, assure compatibility with surrounding land uses and neighborhood character, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

(b) *Standards for Review of a Preliminary PD Plan*

An application for approval of a Preliminary PD Plan, together with submitted plans and reports, shall be reviewed for their conformance with the following standards:

* * *

- (8) The proposed PD shall comply with the following requirements, which shall not be modified or varied except as expressly set forth below or as permitted by Section 1203.08, A Minor Modifications@:

- (A) Minimum Area Requirement. All Planned Developments shall have a minimum size of 5 acres except for District 5 which shall a minimum size of 2 acres.

* * *

- ~~(G) Minimum Open Space Requirements. At a minimum, a Planned Development shall set aside the following amounts of land area as open space for either private, public, or combined private and public use:~~

- ~~(A) Industrial or Business Park Planned Developments: 30% of the site's total gross area.~~

- ~~(B) Other Commercial Planned Developments: 40% of the site's total gross area, except in District 5 where underlying zone district requirements shall control.~~

- ~~(C) Mixed Use Planned Developments: See the underlying District 5 zone district requirements.~~

* * *

Section 8. Chapter 1204, "General Review Standards," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 9. Chapter 1205, "Zoning Districts," of the City's Land Development Code is amended to read as follows:

"CHAPTER 1205 ZONING DISTRICTS

* * *

Section 1205.04 District 1: Suburban Residential Neighborhood

* * *

(b) *Uses By-Right*

The following uses shall be permitted by right in District 1 subject to meeting all applicable requirements set forth in this section and this Code.

* * *

(3) Planned Developments

- (A) ~~Residential p~~Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

(4) Institutional/Civic/Public:

- (A) Public park or recreation areas, including multipurpose trails.

- (B) Public recreational facilities, indoor or outdoor, provided they are no greater than 10,000 square feet in gross floor area.

- ~~(B)~~(C) Public safety and emergency services.

~~(C)~~(D) Essential public utility and public service installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

* * *

Section 1205.05 District 2: Rural Residential Conservation

* * *

(b) *Uses By-Right*

* * *

(3) Planned Developments:

(A) ~~Residential-p~~Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code

(4) Institutional/Civic/Public:

(A) Public park or recreation areas, including multipurpose trails.

(B) Public recreational facilities, indoor or outdoor.

(C) Government public works and service facilities.

~~(B)~~(D) Public safety and emergency services.

~~(C)~~(E) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

* * *

Section 1205.06 District 3: Outer Village Residential Neighborhood

* * *

(b) *Uses By-Right*

* * *

(3) Planned Developments:

(A) ~~Residential-p~~Planned developments, subject to standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

(4) Institutional/Civic/Public:

(A) Public park or recreation areas, including multipurpose trails.

(B) Public recreational facilities, indoor or outdoor.

~~(B)~~(C) Public safety and emergency services.

~~(C)~~(D) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage

* * *

Section 1205.07 District 4: Historic Residential Neighborhood

* * *

(b) *Uses By-Right*

* * *

(2) Institutional/Civic/Public:

(A) Public park or recreation areas, including multipurpose trails.

(B) Public recreational facilities, indoor or outdoor.

~~(B)~~(C) Public safety and emergency services.

~~(C)~~(D) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

* * *

Section 1205.08 District 5: Village Core District

* * *

(b) Uses By-Right

Subject to the restrictions in (d)(4) of this section:

* * *

(2) Commercial/Retail:

* * *

- (H) Offices, business or professional, with a ground floor footprint provided that any office use located on the ground floor of a structure shall not to exceed 5,000 square feet of gross floor area.
- (I) Parking lot as a principal use.
- (J) Recording, radio, or television studios, provided that any such use shall not exceed 2,500 square feet of gross floor area.
- (K) Restaurants, except drive-through restaurants, with a ground floor footprint provided that such use located on the ground floor of a structure shall not exceed 5,000 square feet of gross floor area.
- (L) Retail uses, with a ground floor footprint provided that any retail use located on the ground floor of a structure shall not exceed 5,000 square feet of gross floor area.
- (M) Services, personal, business, or repair, except for vehicle repair, with a ground floor footprint provided that any such use located on the ground floor of a structure shall not to exceed 5,000 square feet of gross floor area.

(3) Planned Developments:

- (A) ~~Commercial p~~Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.
- ~~(B) Mixed use planned developments, subject to the standards and procedures set forth in Section 1203.04 and 1204.02 of this Code.~~

(4) Institutional/Civic/Public:

- (A) Government facilities, administrative offices, ~~and services, including but not limited to city or county offices, provided that the facility or service shall not exceed 5,000 square feet in gross floor area.~~
- (B) Public, non-profit, or private cultural facilities including but not limited to libraries and museums.
- (C) Public park or recreation areas, including multipurpose trails.
- (D) Public recreational facilities, indoor or outdoor.
- ~~(D)~~(E) Public safety and emergency services.
- ~~(E)~~(F) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

* * *

(c) *Conditional Uses*

The following uses shall be conditionally permitted in District 5 subject to meeting all applicable requirements set forth in (d) of this section, including the locational restriction of (d)(4) and Section 1206.02, "Conditional Uses.":

* * *

(2) Commercial/Retail:

- (A) Automobile service stations.
- (B) Banks, or other financial institutions, with drive-through teller or ATM facilities, provided that when such use is located on the ground floor of the structure it shall not exceed 5,000 square feet of gross floor area.
- (C) Bars/taverns located within 200 feet of a residential use.
- (D) Convenience stores and specialty grocery stores.
- (E) Entertainment and indoor amusement facilities.
- (F) Funeral homes.
- (G) Lodging.
- (H) Liquor stores.
- (I) Offices, business or professional, located on the ground floor of a structure with a building ground floor footprint greater than 5,000 square feet, but less than 10,000 square feet of gross floor area or provided that the use is part of a Planned Development and subject to a Development Agreement and provided that any structure must be broken up into storefront modules not exceeding forty (40) feet in width. Each module shall have display windows and other architectural features to distinguish it from adjacent modules.
- (J) Recreational or sports training facilities, commercial.
- (K) Restaurants located within 200 feet of a residential use, but not including drive-through restaurants.
- (L) Retail and restaurant uses with a building ground floor footprint greater than 5,000 square feet, but less than 10,000 square feet or provided that the use is part of a Planned Development and subject to a Development Agreement, and provided that any structure must be broken up into storefront modules not exceeding ~~thirty~~ forty (3040) feet in width. Each module shall have a prominent entry, display windows, and other architectural features to distinguish it from adjacent modules.
- (M) Retail uses with outdoor sales or storage.
- (N) Veterinary facility, small animal clinic (allow overnight, indoor boarding).
- (O) Parking structure as a principal use.

(3) Institutional/Civic/Public:

- (A) Cemeteries.
- (B) Convention or conference centers.
- ~~(B)(C) Government public works and service facilities.~~
- ~~(D) Government facilities, administrative offices, and services, including but not limited to city/county offices, post office, or~~

~~similar uses, that exceeds 5,000 square feet in ground floor gross floor area.~~

- (D) Places of religious worship, including churches and synagogues. Religious schools and day care centers may be permitted as accessory uses within the same structure as the principal conditional use.
- (E) Public Safety and Emergency Services.
- (F) Schools, public or privateCpreschool, elementary, secondary, or post-secondary.
- (G) Transportation facilities without repairs (bus terminal, train depot, etc.)

* * *

(d) *Property Development/Design Standards*

In addition to compliance with all applicable standards set forth in Chapter 1207, “Zoning Development and Site Plan Standards,” development in District 5 shall comply with all of the following development/design standards (all standards are minimums unless otherwise noted):

* * *

(5) Minimum Lot Width:

- (A) Single-Family Detached: 50 feet.
- (B) Single-Family Attached: 48 feet.
- (C) Townhomes: 24 feet.
- (D) Multi-Family Uses: ~~100 feet~~ Not Applicable.
- (E) Non-Residential Uses: Not Applicable.
- (F) ~~Lots Abutting railroad Right of Way: In order to enable an increase in the rear yard setback and allow room for a landscaped buffer between the dwelling and the railroad right of way when a lot abuts and backs onto a railroad right of way, the minimum lot width may be reduced by not more than ten (10) percent provided the lot depth is at least two hundred, fifty (250) feet.~~

(6) Maximum Number of Dwelling Units per Structure:

- (A) Single Family Attached: 4 dwelling units
- (B) Townhomes: ~~4~~ 8 dwelling units.
- (C) Multi-Family: ~~12~~ 20 dwelling units.

(7) Setbacks: Unless modified pursuant to Section 1203.08, “Minor Modifications,” the yard setbacks in District 5 shall be:

(A) Minimum Front Yard Setback:

- (i) Residential Uses: ~~20~~ 5 feet.
- (ii) Non-Residential Uses and Multifamily: A minimum of 75% of the front wall of commercial/retail buildings shall be built to the edge of the front sidewalk or front property line (minimum and maximum front yard/setback = 0 feet).
- (iii) Averaging May be Required for Setbacks: When the two immediately adjoining properties contain existing development, then the front setback shall not differ by more than ten (10) percent from the front yard setbacks existing

on either one of the two properties immediately adjoining the subject property unless approved by the Architectural and Historic Board of Review.

* * *

(8) Maximum Building Coverage:

* * *

- (B) Single-Family Attached, Townhome, and Multi-Family Residential Uses: The amount of impervious coverage shall be no more than ~~75~~ 80% of the total gross lot area.

* * *

- (10) Distance Between Residential Buildings: Structures containing either single-family-attached, townhomes, or multi-family dwelling units shall be separated from each other by a minimum of ~~twenty~~ ten (2010) feet at their closest points.

* * *

(18) Location of Parking:

In addition to the standards for off-street parking set forth in Section 1207.12 of this Code, the following restrictions shall apply in District 5 to new development:

(A) Location and AccessCResidential Uses:

- (i) Off-street parking shall not be located in a principal building=s front yard setback area.
- (ii) Off-street parking shall be located at the rear or side of a principal building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys.
- (iii) Driveways may be located in the rear yard setback area.

(B) Location and AccessCNon-Residential Uses:

- (i) No more than ~~ten~~ twenty (4020) percent of off-street parking shall be located to the side ~~in front~~ of a principal building.
- (ii) All other off-street parking shall be located at the rear of a building on the interior of the lot and shall be accessed by means of shared driveways, preferably from side streets or alleys.
- (iii) Driveways may be located in the rear yard setback area.

* * *

Section 1205.09 District 6: Western Hudson Gateway

* * *

(b) *Uses By-Right, except as limited by subsection (d) below:*

(2) Institutional/Civic/Public Uses:

- (A) Public park or recreation areas, including multipurpose trails.
- (B) Public recreational facilities, indoor or outdoor.
- (C) Government administrative offices.
- (D) Government public works and service facilities.
- (E) Public safety and emergency services.

~~(C)~~(F) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations or transfer stations.

(3) Planned Developments:

(A) ~~Commercial p~~Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

~~(B) Industrial planned developments, subject to the standards and procedures set forth in Section 1203.04 and 1204.02 of the Code.~~

* * *

(e) *Property Development/Design Standards*

* * *

(6) Architecture and Design Standards: All ~~non-residential~~ uses in District 6 shall comply with the design standards set forth in Section 1207.18(h) of this Code.

* * *

Section 1205.10 District 7: Outer Village Commercial Corridor and Office Overlay Zone

* * *

(b) *Uses By-Right, except as limited by subsection (d) below*

* * *

(2) Institutional/Civic/Public Uses:

(A) Government administrative offices.

(B) Public safety and emergency services.

(3) Planned Developments:

(A) ~~Commercial p~~Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

* * *

(d) *Special Conditions for District 7 Office Overlay Zone*

(1) Only the following uses by right shall be permitted on parcels or lots fronting on Darrow Road and located on the west side of Darrow Road north of a point of Darrow Road 456' north of Faymont Drive (generally, a westerly line extended from Callander Drive) and parcels or lots located on the east side of Darrow Road south of a point of Darrow Road 494' south of Stoney Hill Drive in District 7, which area shall be known as the ADistrict 7 Office Overlay Zone@, and designated as such on the Official Zoning Map;

(A) Banks or other financial institutions, except for drive through teller and ATM facilities;

(B) Offices, business or professional.

(C) Government administrative offices.

* * *

Section 1205.11 District 8: Industrial/Business Park

* * *

(b) Uses By-Right

* * *

(3) Institutional/Civic/Public Uses:

(A) Essential public utility and public services installations, including but not limited to bus shelters and bus stops, but not including power generating stations, or transfer stations.

(B) Government administrative offices.

(C) Government public works and service facilities.

~~(B)~~(D) Public park or recreation areas, including multipurpose trails.

(E) Public recreational facilities, indoor or outdoor.

~~(C)~~(F) Public safety and emergency services.

(4) Planned Developments:

(A) ~~Commercial~~ Planned development, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

~~(B) Industrial planned developments, subject to the standards and procedures set forth in Section 1203.04 and 1204.02 of this Code.~~

* * *

(e) Property Development/Design Standards

* * *

(5) Architecture and Design Standards: All ~~non-residential~~ uses in District 8 shall comply with the design standards set forth in Section 1207.18~~(h)~~ of this Code.

* * *

(f) Hike Bike (HB) Senior Housing Overlay Zoning District 8

* * *

(2) Uses By-Right

* * *

(B) Institutional/Civic/Public:

(i) Public park or recreation areas, including multi-purpose trails

(ii) Public recreational facilities, indoor or outdoor

(iii) Public safety and emergency services

~~(iii)~~(iv) Essential public utility and public services installations

(3) *Conditional Uses*

The following uses shall be conditionally permitted in the District 8 Overlay Zone subject to meeting all applicable requirements set forth in this section and Section 1206.02, "Conditional Uses."

* * *

(D) Planned Developments:

~~Residential~~ Planned Developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code, except "Density Bonuses", Section 1204.02(c) shall not apply.

* * *

Section 1205.12 District 9: Darrowville Commercial Corridor

* * *

(b) Uses By-Right

Subject to the restrictions of (d)(5)(c) of this section, “Maximum Floor Area to Lot Area Ratio, Maximum Building Footprint”:

* * *

(4) Institutional/Civic/Public:

(A) Essential public utility and public services, including but not limited to bus shelters and bus stops, but not including power generating stations, transfer stations, or outdoor storage.

(B) Government administrative offices.

(C) Public park or recreation area, including multipurpose trails.

~~(C)~~(D) Public recreational facilities , indoor or outdoor.

(E) Public safety and emergency services.

(5) Planned Developments:

(A) ~~Commercial p~~Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

* * *

Section 1205.13 District 10: Ravenna Road Corridor

* * *

(b) Uses By-Right

* * *

(4) Institutional/Civic/Public:

(A) Government administrative offices.

(B) Public park or recreation areas, including multipurpose trails.

~~(B)~~(C) Public recreational facilities, indoor or outdoor.

(D) Public safety and emergency services.

~~(C)~~(E) Essential public utility and public services installations, including bus shelters and bus stops, but not including water towers, power generating stations, transfer stations, or outdoor storage.

(5) Planned Developments:

(A) ~~Commercial p~~Planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.

~~(B) —Mixed use planned developments, subject to the standards and procedures set forth in Sections 1203.04 and 1204.02 of this Code.~~

* * *”

Section 10. Chapter 1205, “Zoning Districts,” of the City’s Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 11. Chapter 1206, “Use Regulations,” of the City’s Land Development Code is amended to read as follows:

“CHAPTER 1206 USE REGULATIONS

Section 1206.01 Table of Permitted and Conditional Uses by Zone District

* * *

P=Permitted By-Right C=Conditional
 *Size or Other Limits Apply-See Zone District Regulations, Chapter 1205

ZONING DISTRICTS

USE TYPE	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Residential Uses													
* * *													
Planned Developments	P	P	P							C			
* * *													
Accessory Uses/Structures - See Section 1206.03													
* * *													
Commercial/Retail													
* * *													
Industrial Uses													
* * *													
Planned Developments													
Commercial <u>Planned Development</u>	P	P	P		P	P	P		P	C	P	P	Office only in Dist. 6.
Industrial						P			P				
Mixed Use					P					C		P	
Residential	P	P	P							C			
Institutional/Civic/Public Uses													
* * *													

P=Permitted By-Right C=Conditional *Size or Other Limits Apply-See Zone District Regulations, Chapter 1205													
ZONING DISTRICTS													
USE TYPE	1	2	3	4	5	6	7	7ol	8	8ol	9	10	Special Conditions
Government facilities, administrative offices, and services					<u>P*/G</u> *	<u>P</u> <u>G</u>	<u>P</u>	<u>P</u>	<u>PG</u>		<u>P</u>	<u>P</u>	19
<u>Government public works and service facilities</u>		<u>P</u>			<u>C</u>	<u>P</u>			<u>P</u>				
* * *													
Public safety and emergency services, including police or fire stations and emergency medical services.	<u>C*</u> <u>P</u>	<u>C</u> * <u>P</u>	<u>C*</u> <u>P</u>	<u>C</u> <u>P</u>	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>GP</u>	<u>P</u>	<u>P</u>	<u>P</u>	6,7,8,9, 10,17
Agricultural													
* * *													
Accessory Uses/Structures - See Section 1206.03													
Temporary Uses - See Section 1206.04													

* * *

Section 12. Chapter 1206, “Use Regulations,” of the City’s Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 13. Chapter 1207, “Zoning Development and Site Plan Standards,” of the City’s Land Development Code is amended to read as follows:

“CHAPTER 1207 ZONING DEVELOPMENT AND SITE PLAN STANDARDS

Section 1207.01 Maximum Impervious Surface

(a) Maximum Impervious Surface Coverage

- (1) Single-Family Residential Uses. The maximum impervious surface coverage for an individual single family detached use within Zoning Districts 1, 2, 3, or 10 any residential property, including parking areas and accessory buildings and structures, shall not exceed 40% of the total gross area of the underlying lot or lots, as determined by the Community

Development Department, unless storm water management, existing conditions, or other techniques approved by the City Engineer to control storm water and runoff are employed, but in no case shall the impervious surface coverage exceed 60% of the total gross area of the underlying lot or lots. A survey of the property may be required to verify the impervious surface coverage of the property.

~~(2) All Other Residential Uses. The maximum impervious surface coverage of an individual single family use within Zoning District 4 or within an Open Space Conservation Subdivision, and all other types of residential uses (e.g., townhomes, multi-family), including parking areas and accessory buildings and structures, shall not exceed 60% of the total gross area of the underlying lot or lots.~~

(32) Planned Developments. The maximum impervious surface coverage, including parking area and accessory buildings and structures, shall be determined on a case-by-case basis based on the criteria set forth in subsection (b) below.

(43) All Other Non-Residential Uses. The maximum impervious surface coverage for commercial, industrial, and institutional uses shall be determined on a case-by-case basis based on the criteria set forth in subsection (b) below, but in no case shall the maximum impervious surface coverage exceed 60% of the total gross area of the underlying lot or lots: except for the following:

A. The impervious surface coverage in District 5 for commercial/ retail buildings may not exceed 80% and for single-family attached, townhomes, and multi-family residential may not exceed 75%.

B. The impervious surface coverage in the District 7 Overlay may not exceed 50%.

C. The impervious surface coverage for development in Districts 6 and 8 may not exceed 75%.

* * *

Section 1207.04 Landscaping/Buffering

* * *

(l) *Landscaping for Parking Lots*

* * *

(3) Perimeter Landscaping for Parking Lots:

(A) Parking lots shall have perimeter landscaping of a minimum width of ~~ten five~~ four (405) feet exclusive of vehicle overhang. (See Figure 16.)

* * *

(m) *Screening and Landscaping for Service Structures*

Service structures shall include but not be limited to propane tanks, dumpsters, electrical transformers, utility vaults which extend above the surface, electrical and other equipment or elements providing service to a building or a site. Service structures may be grouped together.

(1) Location of screening. ~~Either a~~ A solid, opaque fence or wall or earth berm, ~~with a continuous planting of evergreen plant material shall enclose any~~

service structure on all sides, unless such structure must be frequently accessed in which case screening on all but one side is required. Continuous evergreen planting shall additionally be incorporated when viewed from a street. The average height of the screening fence or wall shall be one foot more than the height of the enclosed structure, but shall not exceed the maximum permitted height of fences and walls of the District. For additional screening requirements for screening/landscaping required for vehicle loading, See Section 1207.13(s), for industrial uses, see Section 1207.18(c), Industrial Design Guidelines.

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Section 1207.18 Zoning Development & Site Plan Standards for Districts 6 & 8

* * *

(h) *Building Design*

(1) General:

Along with the site plan, the design of the structure establishes not only the overall appearance of the development, but also the development's contribution to the character of the City. The design for the ~~industrial~~ structure should have elements which are interrelated and ordered. This order relates the structure to the site, to neighboring sites, and to the City as a whole.

* * *

Section 14. Chapter 1207, "Zoning Development and Site Plan Standards," of the City's Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 15. Chapter 1213, "Definitions," of the City's Land Development Code is amended to read as follows:

"CHAPTER 1213 DEFINITIONS

* * *

Section 1213.02 Definitions

* * *

- (119) *Essential public utility and public services* shall mean the erection, construction, alteration, or maintenance by public utilities having the power of eminent domain, or by municipal departments, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, substations, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, equipment shelters, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or for the public health or general welfare, but not including buildings, outdoor storage yards, water towers, transfer stations, power transmission tower lines, coal conveyor belt lines, and other similar uses not primarily service the City.

* * *

- (135) ~~Government facilities, administrative offices and services~~ shall mean lands and buildings owned or operated by a local, state, federal, or international governmental entity to provide legislative, judicial, administrative, or regulatory services for the public, but not including ~~the underground and overhead distribution and collection systems providing water, gas, electric, telephone, cable TV service, or sanitary storm sewer drainage~~ essential public utility and public services.
- (136) Government public works and service facilities shall mean lands and buildings owned and operated by a local, county, state, federal, or international governmental entity as a repair, storage, or production facility or public works yard including but not limited to water treatment plant, sanitary sewer treatment plant, and public power and services equipment and material storage.
- ~~(252 180) Minor improvement (formerly “residential improvement, minor”), shall mean residential and nonresidential development consisting of decks, additions and accessory structures that do not exceed 250 square feet in gross floor area, arbors, pergolas, fences, and alterations which involve the replacement of architectural features with similar materials and design. Minor development shall not include Historic Landmarks and properties within the Historic District.~~

* * *

Section 16. Chapter 1213, “Definitions,” of the City’s Land Development Code to the extent not amended by this Ordinance, shall remain in full force and effect.

Section 17. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 18. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED:

David A. Basil, Mayor

ATTEST:

Elizabeth Slagle, Clerk of Council

I certify that the foregoing Ordinance was duly passed by the Council of said Municipality
on _____, 20__.

Elizabeth Slagle, Clerk of Council