

Proposed Article 14 Changes with Rationale

<i>Proposed Change</i>	<i>Rationale</i>
<p>Section 14.03 – PERMITTED USES</p> <p>Within a Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan, may be permitted if approved in the development plan.</p> <p>The precise use(s) or type of use(s) of the tract shall be specified in the plan as submitted and approved.</p> <p>a) Commercial and office establishments of all types developed and maintained in accordance with the approved development plan.</p> <p>b) Community facilities such as libraries, offices or educational facilities operated by a public agency, government or private entity.</p> <p>c) Commercial establishments normally associated with and intended to service the traveling public with service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.</p> <p>d) Hospitals, medical facilities, nursing homes, hospices and convalescence homes.</p> <p>e) Medical, dental and optical laboratories.</p> <p>f) Kindergarten or childcare facilities.</p> <p>g) Public or private golf courses, country clubs, hunt clubs, sportsmen's clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.</p> <p>h) Other commercial ventures not provided by this or other sections of this Resolution if approved as part of the plan.</p>	<p>Section 14.03 – PERMITTED USES</p> <p><i>This section has been completely rewritten based on the BTZC decision to no longer use the NAICS codes to describe permitted uses. This decision was based on the following:</i></p> <ul style="list-style-type: none"> <i>Property owner development plans would not be required to fit specific language of the NAICS codes allowing the property owners more flexibility to describe exactly what their development plan intends to create</i> <i>Concern that listing the shorter heading codes implied that all the longer codes listed were also permitted – this is not intended</i> <i>Using generic language provides flexibility for the township authorities in considering development plans</i> <i>Concern that the NAICS codes could be updated and in those in the Brown Zoning Resolution would not be current</i> <i>Upon review of other Delaware County Township Zoning Resolutions, it was noted that about half are using generic language in place of using the NAICS Codes.</i>

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<p>i) Wholesale business, storage and warehouse, excepting public storage unit facilities also known as "mini warehouses."</p> <p>j) Temporary non-residential structures such as construction trailers and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during the period while a permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed at the discretion of the zoning inspector on finding reasonable progress toward completion of the permanent structure or project. The zoning inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, The fees for such permit and renewals thereof shall be established by the Brown Township Board of Trustees. Said temporary structure shall be removed not later than ten (10) days after the expiration of said permit, and/or the issuance of the zoning Certificate of Compliance regarding such permanent structure. In no event shall such temporary structure be utilized for any residential or sales use.</p> <p>Section 14.04 – CONDITIONAL USES Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Zoning Commission and/or the Brown Township Board of Trustees.</p> <p>Section 14.05 – PROHIBITED USES C. Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.</p>	<p>Non-residential added to clarify nature of temporary structure, and construction trailer more concisely describes and replaces manufactured/mobile offices.</p> <p><i>Clarifies that the timing of the removal of the temporary structure can also be triggered by the issuance of the Certificate of Compliance and that the temporary structure cannot be used for residential or sales uses.</i></p> <p>Section 14.04 – CONDITIONAL USES <i>This language replaces There are no conditional uses permitted in the Planned Commercial District. Change is needed because the development plans are in essence applications for conditional uses.</i></p> <p>Section 14.05 – PROHIBITED USES <i>In 14.05 C, the wording 453 Miscellaneous Store Retailers (except Adults Only Entertainment Establishments and 45393 Manufactured Home Dealers) and as permitted is deleted. This clarifies that the development plan must address the use of mobile homes or mobile office structures and that they may not be allowed unless so specified in the plan. Deleting 14.05 F removes the listed NAICS Codes.</i></p>
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Section 14.06 – INTIAL DISCUSSIONS

The applicant is encouraged to engage in informal consultations with the Township Staff and the Delaware County Regional Planning Commission prior to formal submission of a development plan and application to amend the zoning map to PC.

No statement by officials of the Township or the DCRPC shall be binding upon either at the concept stage.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PC district shall follow the procedures herein.

Section 14.06 becomes Section 14.07

Section 14.07 – REQUIRED PC DESIGN STANDARDS

A. Development plans standards

3. Minimum Open Space for Commercial Developments: 30% of the total tract acreage. Open spaces may be used for the retention, detention, and disposal of storm water drainage. Features that are likely to cause erosion or flooding shall not be permitted. Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. A 15-foot wide landscaped “green belt” shall be provided between the edge of any parking area and the adjacent public street right of way.

6. Setbacks: Approved per development plan. No parking shall be constructed within 35 feet of a lot line of an existing or approved Residential Zoning District, or Planned Residential Zoning District or as approved per plan.

A. **13 Environmentally Sensitive Areas:** Jurisdictional wetlands, forests, ravines, slopes greater than 20% and 100-year floodplains shall be preserved to the greatest extent possible.

Section 14.06 – INTIAL DISCUSSIONS

This is a new section intended to promote early communication regarding a development plan to provide direction regarding proposed concepts as well as the process for making application and the steps and interfaces needed to complete this. As this would be advisory in nature, there would not be decisions made until the application goes before the body with that responsibility.

The addition of the new 14.06 required renumbering of headings

Section 14.07 – REQUIRED PC DESIGN STANDARDS

Provisions for maximum ground coverage and minimum open space reordered for flow.

The flexibility to propose how best to use the open space is to be proposed by the developer in the application.

The previous 12 Parking Setback is combined with 6. Setbacks to create one provision regarding setbacks. Subsequent 12 through 22 are renumbered 11 through 21

Previous 14 becomes 13 and forests and ravines are added to the list of environmentally sensitive areas needing to be preserved.

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<p>Section 14.07 becomes Section 14.08</p> <p>Section 14.8 becomes 14.9</p> <p>Section 14.09 – PROCESS FOR AMENDMENT Applications for amendment to rezone property to the PC District may be approved according to one of the following procedures:</p> <p>A. The applicant, being the owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as PC District. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PC District. (This is a legislative act and is subject to referendum). After the designation of the property as a PC District on the zoning map, any approval or disapproval of subsequent use or development of property in the PC District established as authorized by this division shall not be considered to be an amendment or supplement to the township zoning map pursuant to Ohio Revised Code 519.021 (A), but as an administrative act subject to appeal according to Chapter 2506 of the Ohio Revised Code. A final development plan shall be subsequently submitted to the Zoning Commission for review and approval. This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres; or</p> <p>B. The applicant, being an owner and, if applicable, a lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PC District and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum.)</p> <p>Section 14.9 becomes 14.10</p> <p>Section 14.10 becomes 14.11</p>	<p>The addition of the new 14.06 required renumbering of headings</p> <p>The addition of the new 14.06 required renumbering of headings</p> <p>Section 14.09 – PROCESS FOR AMENDMENT</p> <p><i>New language is added to both A and B of this section: (This is a legislative act and is subject to referendum.) This sentence clarifies when township residents may may challenge a rezoning proposal via referendum.</i></p> <p><i>The addition of the new 14.06 required renumbering of headings</i></p> <p><i>The addition of the new 14.06 required renumbering of headings</i></p>
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<p>Section 14.11 – DEVELOPMENT PLANS</p> <p>A. Preliminary Development Plan Eleven (11) printed copies and an electronic copy of the preliminary development plan...</p> <p>A.8 Preliminary Traffic Impact Analysis based upon new trip generation as estimated by the Delaware County Engineer’s standards. A letter of review by the Delaware County Engineer outlining area road improvements required based on the traffic impact analysis.</p> <p>A. 13. Proposed permitted and accessory uses.</p> <p>D. Final Development Plan – the applicant shall submit eleven (11) printed copies and an electronic copy</p> <p>The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with the application for the zoning district change.</p>	<p>Section 14.11 – DEVELOPMENT PLANS</p> <p><i>The requirement that both printed copies and an electronic copy of the plan is clarified. These copies are used to distribute to zoning members and personnel. The electronic copy facilitates maintaining electronic records.</i></p> <p><i>The requirement for this letter assures that consultation regarding the traffic impact has been done.</i></p> <p><i>Reference to NAICS Codes is removed.</i></p> <p><i>The requirement that both printed copies and an electronic copy of the plan is clarified.</i></p> <p><i>This added sentence clarifies that, at this stage of the process, decisions made are the responsibility of the zoning body and are not subject to referendum.</i></p> <p><i>Removal of any building when describing the construction that would represent progress toward the plan recognizes that significant work is often required before reaching the point of building construction.</i></p>
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