

AN ORDINANCE AMENDING SECTIONS 1131.02, 1131.03, 1151.02, 1151.03, 1165.02 AND 1165.03 TO ALLOW THE PLANNING AND ZONING COMMISSION TO MODIFY CERTAIN YARD REQUIREMENTS IN COMMERCIAL DISTRICTS UNDER SPECIFIED CRITERIA AND TO ALLOW FOR NOTIFICATION OF PROPERTY OWNERS IN CONNECTION WITH REVIEW OF THOSE PLANS

WHEREAS, amendments are proposed to Chapters 1131, 1151 and 1165 to specify the information required on development plans and to be more specific as to the responsibilities of the Planning Commission in reviewing changes; and

WHEREAS, the Planning Commission has proposed in commercial districts to permit the Planning Commission to modify certain yard requirements in order to allow a more creative design of a site without reducing total yard and landscape areas and without increasing the maximum lot coverage by buildings; and

WHEREAS, the Planning Commission has further requested that a modification to allow the Zoning Inspector to notify owners of properties within five hundred (500) feet, or a larger area if the Zoning Inspector deems it appropriate, of the parcel proposed for development at least ten (10) days prior to the meeting at which the development plan will be considered by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That Section 1131.02 be amended in subsection (d) and adding a new subsection (e) and (f) to read as follows:

"1131.02 APPLICATION PROCEDURES

(a) * * *

(b) * * *

(c) * * *

(d) Development Plans Required

Development plans shall be submitted to the Zoning Inspector for review by the Planning and Zoning Commission. A complete application by the property owner or his authorized agent shall be received by the Zoning Inspector not less than fourteen (14) days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.

(e) Preliminary Development Plan

A preliminary development plan shall be drawn at a scale of not less than 50 feet to one inch and shall include the following:

- (1) Survey - A survey of the property by a registered surveyor showing topography at 2 foot intervals; land owned and proposed for development; adjoining lots, location of oil and gas wells; easements; and zoning on subject property and on adjoining properties.
- (2) Buildings - The location, area, height and use of all existing and proposed main and accessory buildings, distances of building to property lines;
- (3) Traffic - The proposed system of on-site vehicular circulation, and locations of access drives.
- (4) Parking Areas - The layout and estimate of the number of spaces; distances from parking areas; areas and drives to property lines.
- (5) Signs - The location, size, and height, of all signs to be placed on the property; and
- (6) Landscaping - The location, and sizes of areas to be landscaped.

(f) Final Development Plan

The Final Development Plans shall incorporate agreed upon revisions of the preliminary development plan and shall include all the information contained in the Preliminary Plan and in addition shall include the following:

- (1) Buildings. The general design, materials, and colors of the existing/proposed main and accessory buildings.
- (2) Traffic. Methods for control of traffic; width and location of access drives; type of pavement and curbing.
- (3) Parking areas. The number of spaces; type of pavement.
- (4) Utilities. The location, size and grade for all utility installations and connections to present or proposed facilities.

- (5) Signs. The type of illumination, materials, colors and content of all signs to be placed on the property.
- (6) Site development. Grading plan, erosion control; landscaping plan showing location, number and size of plant materials, their scientific and common names; exterior lighting plan.
- (7) Agreements. Preliminary drafts of all agreements, contracts, dedications, deed restrictions, easements, sureties and other instruments as may be required.
- (8) Floor Plans. Floor Plan(s) at a scale of one-quarter inch to the foot (1/4" = 1') shall be provided showing existing and or proposed uses."

SECTION 2. That Section 1131.03 be amended to read as follows:

"1131.03 REVIEW AND APPROVAL PROCEDURES

- (a) Review by Commission. The Planning and Zoning Commission shall review the complete application package as transmitted by the Zoning Inspector in terms of the standards established in this Zoning code. If deemed necessary, the Commission, with the consent of the applicant, may refer an application to qualified consultants for review. The cost of such review shall be at the expense of the applicant.

The Zoning Inspector shall notify owners of properties within 500 feet, or a larger area if the Zoning Inspector deems it appropriate, of the perimeter of the property proposed for development not less than ten (10) days prior to the meeting at which the preliminary development plan will be considered by the Planning and Zoning Commission.

- (b) Preliminary Approval. If the application and the preliminary development plan, and any modification thereof proposed by the developer, are found by the Planning and Zoning Commission to be in compliance with the requirements of the applicable district and any other applicable parts of this Zoning Code, and the Subdivision Regulations of the Village it shall approve or deny such preliminary development plan within forty days from the date of the meeting when all required plans and data had been received. If the application is not found to be in compliance therewith, the Commission may recommend revisions to be made by the developer or reject the entire application.

- (c) Modifications Permitted. Where application of the provision would result in a development that would not be satisfactory for the zoning district the Commission may require adjustments in the development plan such as improvement to the design and arrangement of buildings, yards, on-site circulation, access drives, and such other features to further improve the proposed development and to protect the surrounding developments.
- (d) Action by Commission. The Commission shall take action on the preliminary development plan within 45 days from the date of the Commission meeting at which all required plans and date were received.

The Commission may approve the preliminary development plan as submitted, approve the preliminary development plan as modified and agreed to by the applicant or not approve the preliminary development plan as submitted.

- (e) Final Development Plans. Upon approval of a preliminary development plan, the developer shall prepare and submit a final development plan(s) to the Commission."

Continue with second paragraph of present subsection (c)

- rename (d) to (f)
- (e) to (g)
- (f) to (h)
- (g) to (i)
- and (h) to (j).

SECTION 3. That Section 1151.02 be amended by amending subsection (d) and enacting a new subsection (e) and (f) to read as follows:

"1151.02 APPLICATION PROCEDURES

- (a) * * *
- (b) * * *
- (c) * * *
- (d) Development Plans Required.

Development plans shall be submitted to the Zoning Inspector for review by the Planning and Zoning Commission. A complete

application by the property owner or his authorized agent shall be received by the Zoning Inspector not less than fourteen (14) days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.

(e) Preliminary Development Plan

A preliminary development plan shall be drawn at a scale of not less than 50 feet to one inch and shall include the following:

- (1) Survey - A survey of the property by a registered surveyor showing topography at 2 foot intervals; land owned and proposed for development; adjoining lots, location of oil and gas wells, easements; and zoning on subject property and on adjoining properties.
- (2) Buildings - The location, area, height and use of all existing and proposed main and accessory buildings; distances of building to property lines; nearest buildings on adjoining properties.
- (3) Traffic - The proposed system of on-site vehicular circulation, and locations of access drives.
- (4) Parking Areas - The layout and estimate of the number of spaces; distances from parking areas; areas and drives to property lines.
- (5) Signs - The location, size, and height, of all signs to be placed on the property; and
- (6) Landscaping - The location, and sizes of areas to be landscaped.

(f) Final Development Plan

The Final Development Plans shall incorporate agreed upon revisions of the preliminary development plan and shall include all the information contained in the Preliminary Plan and in addition shall include the following:

- (1) Buildings. The general design, materials, and colors of the existing/proposed main and accessory buildings.
- (2) Traffic. Methods for control of traffic; width and location of access drives; type of pavement and curbing.
- (3) Parking Areas. The number of spaces; type of pavement.
- (4) Utilities. The location, size and grade for all utility installations and connections to present or proposed facilities.

- (5) Signs. The type of illumination, materials, colors and content of all signs to be placed on the property.
- (6) Site development. Grading plan; erosion control; landscaping plan showing location, number and size of plant materials, their scientific and common names; exterior lighting plan.
- (7) Agreements. Preliminary drafts of all agreements, contracts, dedications, deed restrictions, easements, sureties and other instruments as may be required.
- (8) Floor Plans. Floor Plan(s) at a scale of one-quarter inch to the foot (1/4" = 1') shall be provided showing existing and or proposed uses."

SECTION 4. That Section 1151.03 be amended to read as follows:

"1151.03 REVIEW AND APPROVAL PROCEDURES.

- (a) Review by Commission. The Planning and Zoning Commission shall review the complete application package as transmitted by the Zoning Inspector in terms of the standards established in this Zoning code. If deemed necessary, the Commission, with the consent of the applicant, may refer an application to qualified consultants for review. The cost of such review shall be at the expense of the applicant.

The Zoning Inspector shall notify owners of properties within 500 feet of the perimeter of the property proposed for development not less than ten (10) days prior to the meeting at which the preliminary development plan will be considered by the Planning and Zoning Commission.

- (b) Preliminary Approval. If the application and the preliminary development plan, and any modification thereof proposed by the developer, are found by the Planning and Zoning Commission to be in compliance with the requirements of the applicable district and any other applicable parts of this Zoning Code, and the Subdivision Regulations of the Village it shall approve or deny such preliminary development plan within forty days from the date of the meeting when all required plans and data had been received. If the application is not found to be in compliance therewith, the Commission may recommend revisions to be made by the developer or reject the entire application.

(c) Modifications Permitted.

The Commission may make adjustments to certain yard requirements if it finds openness and other amenities will be attained and that the intent and purpose of the provisions are satisfactorily fulfilled because of skillful design in the arrangement of buildings, the lay out of drives, on-site circulation and parking areas, and the design of landscaping or other site features with the following limitations:

- (1) Front yards of building may be reduced by twenty percent (20%) of the required distance;
- (2) Side or rear yards of a 1 or 2 story building may be reduced by fifty percent (50%) of the required distance but not less than fifteen (15) feet only when adjacent to non-residential districts;
- (3) Front yards of parking areas may be reduced to fifty percent (50%) of the required distance but not less than 25 feet;
- (4) Side or rear yards of parking areas may be reduced to five feet only when adjacent to non residential districts; or no side or rear yard may be permitted when adjoining an existing or planned parking are in a non-residential district;

provided the total yard area of the lot shall not be less than required under the zoning regulations for the district and provided the maximum percent of the lot occupied by buildings shall not be in excess of that permitted in the zoning district; and provided that the required percent of lot to be landscaped shall not be reduced.

Where application of the provision would result in a development that would not be satisfactory for the zoning district the Commission may require adjustments in the development plan such as improvement to the design and arrangement of buildings, yards, on-site circulation, access drives, and such other features as fences, planting or other landscape feature to further improve the proposed development and to protect the surrounding developments.

(d) Action by Commission

The Commission shall take action on the preliminary development plan within 45 days from the date of the Commission meeting at which all required plans and date were received.

The Commission may approve the preliminary development plan as submitted, approve the

preliminary development plan as modified and agreed to by the applicant or not approve the preliminary development plan as submitted.

(e) Final Development Plans.

Upon approval of a preliminary development plan, the developer shall prepare and submit a final development plan(s) to the Commission."

Continue with second paragraph of present subsection (c)

rename (d) to (f)
(e) to (g)
(f) to (h)
(g) to (i)
and (h) to (j).

SECTION 5. That Section 1165.02 be amended by amending subsection (d) and adding a new subsection (e) and (f) to read as follows:

"1165.02 APPLICATION PROCEDURES

(a) * * *

(b) * * *

(c) * * *

(d) Development Plans Required

Development plans shall be submitted to the Zoning Inspector for review by the Planning and Zoning Commission. A complete application by the property owner or his authorized agent shall be received by the Zoning Inspector not less than fourteen (14) days prior to a regularly scheduled Planning and Zoning Commission meeting in order to be placed on the agenda for that meeting.

(e) Preliminary Development Plan

A preliminary development plan shall be drawn at a scale of not less than 50 feet to one inch and shall include the following:

- (1) Survey - A survey of the property by a registered surveyor showing topography at 2 foot intervals; land owned and proposed for development; adjoining lots, location of oil and gas wells; easements; and zoning on subject property and on adjoining properties.

- (2) Buildings - The location, area, height and use of all existing and proposed main and accessory buildings; distances of building to property lines; nearest buildings on adjoining properties.
- (3) Traffic - The proposed system of on-site vehicular circulation, and locations of access drives.
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(f) Final Development Plan

The Final Development Plans shall incorporate agreed upon revisions of the preliminary development plan and shall include all the information contained in the Preliminary Plan and in addition shall include the following:

- (1) Buildings. The general design, materials, and colors of the existing/proposed main and accessory buildings.
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- (3) Parking Areas. The number of spaces; type of pavement.
- (4) Utilities. The location, size and grade for all utility installations and connections to present or proposed facilities.
- (5) Signs. The type of illumination, materials, colors and content of all signs to be placed on the property.
- (6) Site development. Grading plan; erosion control; landscaping plan showing location, number and size of plant materials, their scientific and common names; exterior lighting plan.
- (7) Agreements. Preliminary drafts of all agreements, contracts, dedications, deed restrictions, easements, sureties and other instruments as may be required.

- (8) Floor Plans. Floor Plan(s) at a scale of one-quarter inch to the foot (1/4" = 1') shall be provided showing existing and or proposed uses."

SECTION 6. That Section 1165.03 be amended to read as follows:

"1165.03 REVIEW AND APPROVAL PROCEDURES.

- (a) Review by Commission. The Planning and Zoning Commission shall review the complete application package as transmitted by the Zoning Inspector in terms of the standards established in this Zoning code. If deemed necessary, the Commission, with the consent of the applicant, may refer an application to qualified consultants for review. The cost of such review shall be at the expense of the applicant.

The Zoning Inspector shall notify owners of properties within 500 feet of the perimeter of the property proposed for development not less than ten (10) days prior to the meeting at which the preliminary development plan will be considered by the Planning and Zoning Commission.

- (b) Preliminary Approval. If the application and the preliminary development plan, and any modification thereof proposed by the developer, are found by the Planning and Zoning Commission to be in compliance with the requirements of the applicable district and any other applicable parts of this Zoning Code, and the Subdivision Regulations of the Village it shall approve or deny such preliminary development plan within forty days from the date of the meeting when all required plans and data had been received. If the application is not found to be in compliance therewith, the Commission may recommend revisions to be made by the developer or reject the entire application.

- (c) Modifications Permitted. Where application of the provision would result in a development that would not be satisfactory for the zoning district the Commission may require adjustments in the development plan such as improvement to the design and arrangement of buildings, yards, on-site circulation, access drives, and such other features as fences, planting or other landscape feature to further improve the proposed development and to protect the surrounding developments.

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The Commission may approve the preliminary development plan as submitted, approve the preliminary development plan as modified and agreed to by the applicant or not approve the preliminary development plan as submitted.

- (e) Final Development Plans. Upon approval of a preliminary development plan, the developer shall prepare and submit a final development plan(s) to the Commission."

Continue with second paragraph of present subsection (c)

rename (d) to (f)
(e) to (g)
(f) to (h)
(g) to (i)
and (h) to (j).

SECTION 7. That Section 1131.02, 1131.03, 1151.02, 1151.03, 1165.02, 1165.03 as they existed prior to the effective date of this Ordinance be and the same hereby are repealed.

SECTION 8. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: November 7, 1995

Patricia S. Healey
President of Council

Ray K. [Signature]
Mayor

Dated: 11/16/95

ATTEST:
Carole Gibson
Clerk of Council