

ORDINANCE NO. 81-16

PASSED: September 12, 2016

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF REYNOLDSBURG, OHIO: Amending Section 1103.10 Certificate Required of Chapter 1103 Design Review Board; Chapter 1135 Title; Purpose; Interpretation; Chapter 1143 Zoning Certificate; Site Plan; Plot-Grade-Utility Plan; AND Chapter 1151 Amendments; AND Enacting Chapter 1177 Limited Overlay.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REYNOLDSBURG, OHIO:

SECTION 1. That Section 1103.10 Certificate Required of Chapter 1103 Design Review Board; Chapter 1135 Title; Purpose; Interpretation; Chapter 1143 Zoning Certificate; Site Plan; Plot-Grade-Utility Plan; and Chapter 1151 Amendments; of the Code of Ordinances of the City of Reynoldsburg be and are hereby amended to read as follows:

See Exhibit "A" attached hereto and incorporated herein.

SECTION 2. That existing Section 1103.10 of Chapter 1103; 1135; 1143; and 1151 be and are hereby repealed and replaced.

SECTION 3. That Chapter 1177 Limited Overlay; is hereby enacted as set out in Exhibit "A".

SECTION 4. That upon adoption by Council this ordinance shall be in effect thirty days following signature by the Mayor.

Doug Joseph

Doug Joseph, President of Council

ATTEST: April L. Beggerow

April L. Beggerow, Clerk of Council

APPROVED: Bradley L. McCloud DATE 9/13/16

Bradley L. McCloud, Mayor

CERTIFICATE

I, April L. Beggerow, Clerk of Council, City of Reynoldsburg, Ohio do hereby certify the foregoing to be a true and correct copy of Ordinance No. 81-16 as passed by Council of said City on the 12th day of September, 2016 and as recorded in the Record of Proceedings of said Council.

April L. Beggerow

April L. Beggerow, Clerk of Council

Filed with Mayor: 9/13/16

Published: _____

1103.10 CERTIFICATE REQUIRED.

(a) A certificate of appropriateness must be obtained prior to commencing new construction or any exterior remodeling, reconstruction or other exterior building modifications of structures within the design review districts. The Planning Administrator shall not issue a zoning certificate prior to the Board's review and approval of a certificate of appropriateness in accordance with the provisions of this chapter.

(b) A certificate of appropriateness shall not be required in the case of normal and customary building maintenance activities that do not make changes to building material types or exterior colors.

(c) A certificate of appropriateness may not be required for projects in the design review districts that involve no changes to structures and qualify for minor site plan review under Section 1143. Projects of this type must not add any additional building material types or exterior colors.

(d) Signs on parcels within the design review districts shall be subject to the certificate of appropriateness requirements of Section 1181 of the Zoning Code.

(e) Administrative Design Review. The Planning Administrator shall review all zoning certificate applications for projects within the design review districts exempted from a certificate of appropriateness by this section or any other section of this Zoning Code, for compliance with the standards of Section 1103.12 and any design guidelines adopted by the Design Review Board or City Council. If in the professional opinion of the Planning Administrator, the proposed project does not meet those standards or design guidelines, a certificate of appropriateness from the Design Review Board shall be required.

1135.01 SHORT TITLE.

This Zoning Code, consisting of Ordinance 114-99, passed September 13, 1999, as amended, which comprises Titles Five through Nine of the Planning and Zoning Code, shall be known and cited as the Zoning Code of 1999.

1135.05 RELATIONSHIP TO PLANNING POLICIES.

It is the intention of Council that this Zoning Code shall implement the planning policies adopted by the Planning Commission and City Council, as reflected in a land use plan, comprehensive plan and all other planning documents formally adopted by the Council. While the Council reaffirms its commitment that this Zoning Code and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this Zoning Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

1135.06 RELATIONSHIP TO PUBLIC SERVICE FACILITIES.

Nothing in this Zoning Code shall be construed in a manner that would prevent the City of Reynoldsburg from constructing, repairing or maintaining public service facilities or other essential services within the City.

1143.05 STANDARDS FOR SITE PLAN REVIEW.

Site plans authorized by this chapter shall be reviewed for compliance with the following when applicable:

- (a) The development standards and requirements of the applicable zoning district;
- (b) The development standards and design guidelines of any overlay district;
- (c) The standards for design review contained in Section 1103.12;
- (d) Any development plan approved according the provisions of Chapter 1151;
and
- (e) Any other design guidelines adopted by the Planning Commission, Design Review Board or City Council.
- (f) The purpose and intent of the Zoning Code.

1143.06 CONDITIONS FOR SITE PLAN APPROVAL.

In accordance with the major site plan review procedure contained in this chapter, the Planning Commission may place such reasonable conditions on the approval of a major site plan that may be required to address the standards for review in Section 1143.05 or are consistent with the purpose and intent of the Zoning Code.

1143.07 SITE PLAN ADJUSTMENTS FOR ENGINEERING PURPOSES.

The City Engineer may approve such adjustments to an approved site plan as are required for engineering purposes such as proper function of utilities or to accommodate soil conditions. Such adjustments shall meet the following conditions:

- (a) The adjustment is required in order to ensure the life-safety, proper function of the site utilities or building, or to comply with the regulations of a State or Federal agency;
- (b) The adjustment is the smallest modification possible to correct the engineering issue;
- (c) The adjustment does not increase the impervious surface on the site more than one hundred square feet (100SF) over the original site plan approval;
- (d) The adjustment shall not be used to add any additional uses or tenants;
- (e) The adjustment does not increase the number of curb cuts on a public street;
and

(f) The adjustment does not violate any specific condition of the original site plan approval.

Attachment: 20160419 District Amendment Process Update (1408 : Amendments to the Zoning Code)

CHAPTER 1151 – Amendments

1151.01 INITIATION OF AMENDMENTS.

(a) In conformance with the provisions of the City Charter of the City of Reynoldsburg, ordinances or resolutions establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code shall be initiated by a member of Council.

(b) Any person having an interest in property in the City may petition City Council to initiate such ordinance or resolution by making an application to the Planning Administrator. The Planning Administrator shall review the application for compliance with the provisions of this Chapter and forward it to the Clerk of Council. The Planning Commission or the Board of Zoning and Building Appeals shall make an advisory recommendation to City Council, pursuant to the provisions of Section 1151.03, with regard to initiating such ordinance or resolution.

(c) The Planning Commission may recommend amendments, revisions, changes, or repeals of zoning districts, uses, regulations, or other provisions of this Zoning Code. When the Planning Commission makes an advisory recommendation to City Council, the application requirements and fees shall not apply.

1151.02 PETITION FOR ZONING DISTRICT CHANGE WITH DEVELOPMENT PLAN.

When a person or persons having an interest in a lot or lots in the City petitions City Council for an amendment to the Zoning Code which involves changing the zoning district assigned to the lot(s), then such petition shall be made in the following form which shall be known as the development plan, unless such requirements are waived by City Council.

- (a) Correct legal description of the lot(s);
- (b) The names and addresses of the owners of lot(s) contiguous or directly across the street from the subject lot(s);
- (c) Existing topography at two foot (2'FT) contour intervals of the subject lot(s) and extending at least three hundred feet (300'FT) outside of the proposed lot, including lot lines, easements, street rights-of-way, existing structures, trees and landscaping features thereon;
- (d) The proposed vehicular and pedestrian traffic patterns;
- (e) The location of all existing and all proposed structures;
- (f) The proposed assignment of use and subdivision of land including private land and common land;

- (g) Preliminary plans of all structure types;
- (h) Deed restrictions and protective covenants;
- (i) A schedule for construction;
- (j) Traffic impact study;
- (k) Utilities impact study;
- (l) Drainage impact study;
- (m) Such other relevant information as City Council may require to determine the propriety of initiating the ordinance for district change.

(n) Fees as established by this Code Section 1155. ~~When the Planning Commission makes an advisory recommendation to City Council which involves changing the zoning district of a lot or lot(s) by changing the district assigned to the lot(s), changing the boundaries of a district, or establishing a new district, the foregoing application requirements for a development plan shall not apply.~~

1151.03 PUBLIC HEARING AND REFERRAL TO PLANNING COMMISSION.

(a) In conformance with the Charter, subsequent to initiation by a member of Council of an ordinance or resolution establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code, the presiding officer of Council shall, immediately after the first reading of the ordinance or resolution, set a date for a public hearing before a joint meeting of Council and the Planning Commission, to be held not earlier than fifteen (15) days after the first reading.

(b) Immediately after the hearing, a copy of the ordinance or resolution establishing, amending, revising, changing, or repealing zoning districts, uses, regulations, or other provisions of this Zoning Code and, if applicable, the development plan, shall be referred to the Planning Commission. The Commission shall recommend such conditions or amendments with respect to the ordinance or resolution and, if applicable, the development plan, as it deems reasonable and necessary. Within thirty (30) days of referral, the Planning Commission shall return to the Clerk of Council the written recommendations of a majority of the members of the Commission.

1151.04 STANDARDS FOR PROPOSED DISTRICT CHANGES.

The Planning Commission and City Council shall give consideration to the following standards in making recommendations and taking action with regard to proposed district changes:

(a) The compatibility of the proposed zoning district and the features of the proposed development plan with the characteristics of the site and of the surrounding areas;

- (b) The potential impacts of the proposed uses of the district in terms of traffic, storm water, utility demand, noise, and other impacts;
- (c) The impacts of the proposed district and development plan on the health, safety, welfare, and morals of the community;
- (d) The compatibility of the proposed district and development plan with ~~the elements of local plans applicable to the area~~ a comprehensive plan, or any area plans, to surrounding zoning districts, and to existing and planned land uses.

1151.05 ACTION BY COUNCIL.

- (a) At the next meeting of Council subsequent to receiving the recommendations of the Commission, the ordinance or resolution shall be given its second reading.
- (b) Council may adopt, deny, or adopt with modifications the recommendations of the Commission. A development plan, along with any conditions or amendments to the petition, shall, upon adoption by Council, become part of the district change and shall be deemed incorporated by reference into legislation amending the district. The development plan, conditions, and amendments shall bind any future development or use of the subject lots.
- (c) A concurring vote of at least three fourths (¾) of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning Commission, but in no event shall an ordinance or resolution be considered as having passed unless it receives at least a majority vote of the members of Council.
- (d) After a proposed district change is denied by City Council, at least twelve (12) months shall elapse before another petition for a district change for the same lot(s) to the same district can be considered.

1151.06 AMENDMENT OF DEVELOPMENT PLAN.

A development plan may be amended following the same procedure and standards for approval of the original district amendment.

- ~~(a) At any time after the approval of a district change and a development plan, the owner may request a change in the development plan. Such request shall be filed with the Zoning Officer who shall schedule it for review by the Planning Commission. If the Commission finds the proposed change to be in substantial agreement with the previously approved development plan, it shall recommend the change to City Council. Council shall take action within a reasonable period of time to approve or deny the change.~~
- ~~(b) If the Commission finds the proposed change to represent a substantial departure from the intent of the previously approved development plan, the Commission shall, by majority vote, require that the applicant submit a new petition and development plan to City Council and follow the same procedure as the original approval.~~

1151.07 EFFECT OF APPROVAL.

(a) The development plan as approved by Council, shall constitute an amendment of the official Zoning Map and a supplement to the Zoning Code as it applies to the land included in the approved district amendment. The approval shall be for a period of two (2) years to allow the approval of a zoning certificate and building permit, if required.

(b) If a zoning certificate or building permit is not acquired within the two (2) year period, the approval shall become void and the lot or parcel shall revert to its last previous zoning district applied, except if an application for time extension is submitted and approved in accordance with Section 1151.08.

1151.08 EXTENSION OF TIME .

An extension of the time limit may be approved by the Planning Commission. Such approval shall be given upon a finding of evidence of reasonable effort toward the accomplishment of the original development plan within the time limit, and that such extension is not in conflict with the general health, safety and welfare of the public or the development standards of this Code.

CHAPTER 1177 – Limited Overlay

1177.01 PURPOSE.

The limited overlay is an alternative response to those situations where the minimum development standards of an underlying zoning district are deemed inadequate to protect or maintain compatibility of land uses.

The limited overlay is intended only for use where special circumstances or conditions apply to the subject parcel that do not apply generally to other parcels in the same underlying zoning district; and where such limitations will be beneficial to neighboring properties and to the public interest. It is intended that an applicant for zoning district amendment may voluntarily seek to commit the subject property and its owner to limitations and conditions not provided by the existing or proposed underlying zoning district, or even any other zoning district, by the establishment of a limited overlay.

A limited overlay may modify the application of the provisions of an underlying zoning district to a particular lot or parcel by:

- (a) Limiting the permitted uses;
- (b) Increasing one or more of the minimum development standards; and
- (c) Adding conditions for items not covered by the minimum standards, or any of the above.

All standards of the underlying district shall be applicable unless specifically superseded by the overlay in the ordinance establishing the limited overlay for the subject parcel.

1177.02 APPLICATION.

Any person desiring the establishment of a limited overlay on any lot proposed may file an application, in conformity with all the provisions of Chapter 1151 and the provisions of this chapter, with the Planning Administrator. Said application will be processed together with the application to amend the zoning district of the subject property and will be reviewed in the same manner as a district amendment application by the Planning Administrator, the Planning Commission and City Council.

1177.03 DEVELOPMENT PLAN.

In addition to the requirements of Chapter 1151, the applicant’s development plan and text for the proposed limited overlay shall set out the means for addressing the above stated purpose and specifically identify the following:

- (a) Any limitation to be imposed on the normal range of permitted uses by the underlying zoning district;
- (b) Any increase in a minimum development standard for the underlying zoning

district:

(c) Any additional limitation or condition to be imposed and enforced; and

(d) The intended result to be obtained by any limitation or condition set out pursuant to the above.

The minimum standards of the underlying zoning district or any overlay district shall govern unless the development plan approved by Council specifically stipulates a more stringent standard. Said development plan shall be used only to increase standards and shall in no way be used or construed so as to grant a variance from or to decrease standards or requirements of the underlying zoning district.

The development plan shall set out each characteristic of the proposed limitations and conditions and shall be referenced in the body of the ordinance establishing a limited overlay for the subject lot.

1177.04 PROJECT SIZE.

There is no minimum or maximum size required for a lot or parcel to be subject to a limited overlay except that the special circumstances must apply to the entire parcel and it shall include at least one entire lot. An application may include more than one lot provided that all lots in a specific application are contiguous to each other. For the purposes of this section, lots separated only by a public highway, street, or alley are considered contiguous.

1177.05 PERMITTED USES.

In conformity with all other pertinent code provisions, within a limited overlay the premises or building may be used or a building may be erected which is arranged, intended or designed to be used for any one or more of the uses permitted by the underlying zoning classification unless the normal range of permitted uses is specifically limited in the development plan referenced in the ordinance passed by council, in which event, only the more limited use or range of permitted uses shall apply.

1177.06 STANDARDS FOR REVIEW.

Any use of a lot subject to a limited overlay shall meet or exceed each minimum development standard of the underlying zoning classification unless more limited standards are specifically identified in the limited overlay development plan referenced in the ordinance passed by council, in which event such more limited standards shall apply as promoting and maintaining the necessary uniformity of city planning.

(a) The limited overlay standards shall comply with the following criteria:

(b) Reasonably related to the accomplishment of specified goals in the planning process;

(c) Fair, protecting the legal rights for those affected;

(d) Understandable for those in the marketplace; and

(e) Simple for effective interpretation and enforcement by the Planning Administrator.

1177.07 COMPLIANCE WITH CONDITIONS OR LIMITATIONS.

Any use on a lot subject to a limited overlay shall conform to each condition or limitation specifically identified and imposed in the development plan referenced in the ordinance passed by Council.

1177.08 AMENDMENTS.

All general procedures of Chapter 1151 required for amending a zoning district will be applied to amendment of any limited overlay permitted use, standard, condition or limitation.

1177.09 MAP DESIGNATION.

Upon the establishment of a limited overlay on a particular lot or parcel by ordinance of Council, that overlay designation will be included with the designation of the underlying zoning district as part of the Official Zoning Map.

1177.10 AFFECT TO APPROVED DEVELOPMENT PLAN.

A development plan approved hereunder shall be binding upon the applicant and the applicant's heirs, and successors, and shall limit and control the issuance or validity of any site plan approval or zoning certificate.

1177.11 EXISTING LIMITED OVERLAYS.

Any limited overlay, limited planning overlay, or zoning limitation text approved according the procedures of Chapter 1151 prior to the date this chapter was enacted shall be considered a limited overlay. Any modification to a limited overlay approved prior to the date this chapter was in enacted shall conform to the provisions of this Chapter.

Attachment: 20160419 District Amendment Process Update (1408 : Amendments to the Zoning Code)