

# Chapter 19

## PLANNED BUSINESS DEVELOPMENT OVERLAY DISTRICT

### 19.01 PURPOSE

#### A. General

This Chapter establishes requirements and procedures for approval of business developments within corridors along major transportation arterials which are planned and designed in a manner which maintain effective traffic flow and accessibility so as to reduce potential traffic hazards, encourage compatible land uses, and promote the general public health and safety, and other purposes of the Miami Township Zoning Resolution.

Business corridors along major transportation arterials are recognized as principal geographic areas of commercial activity in Miami Township. It is the purpose of the Planned Business Development Overlay District to provide a flexible alternative to the strict application of the requirements of the underlying zoning, in order to encourage effectively planned and designed business developments, to prevent the deterioration of property and protect private investments, and to promote public health, safety and welfare.

#### B. Objectives

This District is specifically designed to:

1. Encourage business development in consideration of existing and projected traffic, traffic improvements, accessibility, and compatibility with surrounding land uses;
2. Protect adjacent residential uses and the general quality of life of the residents wishing to continue to use their property in residential use;
3. Encourage creative planning and design in the arrangement of buildings, circulation, access, shared ingress/egress arrangements, elimination of curb cuts, setbacks and buffers;
4. Ensure that existing and anticipated land uses and traffic improvements will be developed in a manner that protect the general health and safety;
5. Protect property and private investment;

6. Maintain an effective and safe level of traffic flow and accessibility so as to reduce potential traffic hazards; and
7. Encourage business development in accordance with the Miami Township goals and policies.

#### C. Procedures

To achieve these purposes and objectives, special supplemental procedures to those applicable in the conventional underlying business district are established in this Chapter, under which development plans specifically designed to meet these objectives may be submitted for review and/or approval. Subject to Zoning Commission approval, these special provisions allow for the planned modification of the strict requirements of the underlying zone, an increase in the intensity of development and other modifications to further the purpose of the District.

### **19.02 QUALIFYING CONDITIONS**

#### A. Location and Boundary Area

The overlay District site shall be located within the "B-1" Neighborhood Business District and the "B-2" General Business District.

#### B. Development Area

The site area, lot width, setbacks, and building height shall be no less than the minimum requirements of the underlying zoning district, unless these minimum requirements are permitted by the Zoning Commission's decision to be modified in accordance with the provisions of Section 19.04.

### **19.03 PERMITTED USES**

The principal permitted uses, conditionally approved uses, and accessory buildings incidental to the principal uses are the same as those permitted by the underlying zoning district or Section 19.04.

### **19.04 MODIFICATIONS TO THE MINIMUM REQUIREMENTS**

- A. In order to advance the purposes of this Chapter, the Zoning Commission may consider and may approve modification to the requirements of the underlying zoning district as follows:

1. A reduction to the minimum lot area by a maximum fifteen (15) percent;
2. A reduction to the lot width by a maximum fifteen percent; (15) percent
3. A reduction in the rear yard requirements adjacent to a residential district by a maximum fifteen (15) percent, provided that adequate and effective buffering will be provided;
4. A reduction in the front yard setback to a distance of not less than twelve (12) feet from the right of way line, provided however that: a) parking is provided only in the rear of the property; b) the building's main facade is oriented towards the street with openings to the business(s), sidewalks, and street trees to create an attractive streetscape; c) driveway sight distances are maintained; and d) the proposed development does not adversely affect adjacent properties.
5. A reduction in the number of on-site required parking spaces by a maximum of fifteen (15) percent, provided that the applicant demonstrates that the reduction in the number of spaces will not result in adversely affecting the general public and/or parking (i.e. for employees and or special occasions is provided off-site at a different location through a reciprocal arrangement with the property owner; and
6. A reduction in the required minimum size of the parking space from 10 x 20 feet to 9x 18 feet;

#### B. Conditions for Modifications

The Zoning Commission may consider and may approve modifications to the minimum requirements of the underlying zoning district depending on the quality and effectiveness of the proposed development, if it is found that the following has been addressed satisfactorily:

1. The proposed development has been planned and designed effectively based on the guidelines of this Section, Section 19.05, and applicable ODOT and County Engineer's Standards.
2. The proposed development will not create inconvenient or unsafe access; and
3. The proposed development will not create traffic congestion in the streets, which adjoin the site.

The Zoning Commission may limit the modifications desired to an amount, which is sufficient to avoid the creation of any of the above conditions.

## **19.05 STANDARDS AND GUIDELINES**

In order to have a business development approved under the Planned Business Development Overlay District requirements, the applicant must demonstrate that the site plan must meet the following standards and guidelines:

### **A. General**

1. The site plan shall reflect all Township goals and policies affecting the site.

### **B. Joint and Cross Access**

1. Adjacent properties shall provide a cross access drive and pedestrian access to allow circulation between properties.
2. A system of joint use driveways and cross access easements shall be established wherever feasible and the building site shall incorporate the following:
3. A continuous service drive or cross access corridor extending the entire length of each group of properties served to provide for driveway separation consistent with the access management planning and design and standards, and as approved by the County Engineer's Office.
4. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
5. Stub streets and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
6. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
7. Property owners shall record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
8. The agreement will be recorded with the deed specifying that the remaining access rights along the thoroughfare will be dedicated to the

State and preexisting driveways will be closed and eliminated after construction of the joint-use driveway;

9. Property owners shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

### C. Access Connection and Driveway Design

Driveway width shall meet the following guidelines:

1. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one-way connection.
2. For two-way access, each lane shall have a width of 12 feet and a maximum of four lanes shall be allowed.
3. Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet width, and one inbound lane with a 14 feet width.
4. Driveway grades shall conform to the requirements of ODOT Location and Design Manual, latest edition, and applicable County Engineer's requirements.
5. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is discouraged due to the potential for vehicular weaving conflicts.
6. Driveway width and flair shall be adequate to serve the volume of traffic and provide for rapid movement of vehicles off of the major thoroughfare, but standards shall not be so excessive as to pose safety hazards for pedestrians, bicycles, or other vehicles.
7. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways.

#### D. Left Turns

1. Left turn lanes, which provide stacking lanes for those automobiles preparing to turn left, should be utilized when possible in an effort to prevent traffic slow down and traffic hazards.

#### E. Acceleration/Deceleration Lanes

1. The use of acceleration/deceleration lanes should be utilized whenever possible to help prevent traffic slow-down and general interruptions, thereby avoiding potential traffic hazards.

#### F. Right-In/Right-Out Only Turns

1. Points of access that allow only right-in/right-out access to major arterials should be utilized in an effort to prevent traffic slowdown and additional points of traffic conflicts.

#### G. Driveway Spacing

1. Driveway spacing along the major arterial will be established by ODOT and/or the County Engineer's Office.

#### H. Development Features

1. Building heights shall not exceed the height provided in the underlying district and shall be designed to not detract from adjacent residential property and to be compatible with existing development character and patterns.
2. Development shall be planned, designed and constructed to preserve to the maximum extend possible existing trees and vegetation; and
  - a. Utilize existing topography and other natural resources on the site to provide buffering and limit grading to minimize environmental impact on adjacent uses; and
  - b. Include screening and buffering such as the creation of berms and use of bushes, trees and shrubs to minimize impact on adjacent uses.
3. Drainage shall be designed and constructed to not detrimentally affect adjacent properties.
4. Parking lot and walkway lights shall be shielded so that substantially all directly emitted light falls within the property line.

5. Perimeter development shall be fenced and/or screened in a manner which will protect the privacy and amenity of adjacent existing uses while complying with required site distances provided in Section 23.04 (C).

## **19.06 APPLICATION AND REVIEW PROCEDURES**

The application for a development under the Overlay District requirements shall be made by the property owner, developer, or his authorized agent and shall be processed as follows:

### **A. Properties Already Having the Business District Classification**

For properties, which are currently zoned in the Business District according to the underlying zoning, the application review process shall include the following:

1. Site Plan preparation and review according to the requirements of Chapter 27 Site Plan Review of the Miami Zoning Resolution.
2. Site plan review and approval of all traffic and access improvements by ODOT and the County Engineer's office.
3. Following the submission of the Township Planner's review report to the Township Zoning Inspector's office, the application shall be placed on the Zoning Commission's agenda for its consideration.
4. Township Zoning Commission shall give notice as required by Section 519.12 of the Revised Code for zone changes.
5. The Zoning Commission shall conduct a public hearing in accordance with the procedures outlined in Section 519.12 of the Revised Code and shall either approve, approve with conditions, or disapprove the application and state the reasons for doing so.
6. In accordance with Section 519.12 of the Revised Code the Board of Township Trustees shall then conduct a public hearing and give notice of the public hearing. Within 20 days of the completion of the public hearing the Board of Township Trustees shall either accept the recommendation of the Zoning Commission, accept the recommendation of the Zoning Commission with modifications, or reject the recommendation of the Zoning Commission. Any vote to either accept with modifications or reject the recommendation of the Zoning commission must be unanimous.

7. Following the approval by the Township Trustees, the Zoning Inspector shall issue a zoning permit after valid application has been filed.

B. Properties Requesting a Zone Change to Business District

1. For properties, which are not currently zoned in the Business District classification the application review, procedures shall be the same as those used to process zoning map amendments and can proceed simultaneously.

**19.07 REVISIONS TO AN APPROVED SITE PLAN**

Minor modifications to the approved site plan as described in Section 27.06 of the Zoning Resolution may be approved by the Community Development Director upon the submission of a revised plan.

Major modifications to an approved site plan as described in Section 27.06 of the Zoning Resolution must be reviewed in accordance with the process described in Section 19.06 above.

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