

NEW ZONING SECTION 1147 SPECIAL REGULATIONS (REVISED 10/01/04)

1147.15 LARGE NON-RESIDENTIAL ESTABLISHMENTS

- (a) Purpose. The purpose of this section is to promote the public health, safety, and welfare through the regulation of Large Non-Residential Establishments. It is the intent of this section to regulate Large Non-Residential Establishments so as to prevent the erosion of the residential character of the City of Powell and to promote the small, greenbelt community character of the City and its surroundings as described in the Comprehensive Plan. Large Non-Residential Establishments have been commonly accepted as having potential for creating negative impacts upon the City's existing economy, surrounding residential areas, traffic, public safety, and the efforts of the City to maintain the small, greenbelt community character in the face of development pressures being experienced by the City and the entire Southern Delaware County region. Because of the substantial adverse effects that Large Non-Residential Establishments can have based upon their size, bulk, scale, use, noise and traffic generation, ~~among other effects~~, there is no general presumption that an application for such a use at a particular location is valid, is compatible with surrounding uses, inures to the general benefit of the City or is in compliance with the City's Comprehensive Plan. Instead, each application will be evaluated according to its specific development plan, particular location and the degree to which the developer is willing or able to ameliorate the adverse impacts of the proposed development and incorporate a mixed-use element (residential and non-residential) into the overall development plan for the property, where appropriate. Except as provided herein, Large Non-Residential Establishments are not permitted within the City.
- (b) Definitions. The following definitions shall apply in the interpretation of this Zoning Ordinance:
- (1) "Large Non-Residential Establishment" includes any non-residential structure larger than ~~20,000~~ square feet in usable floor area. Religious, educational, and public uses as well as any structure subject to the Downtown Historic District Architectural Guidelines shall be excluded from this definition and these requirements.
 - (2) "Liner Building" is a building located along a Large Non-Residential Establishment to mask blank or unadorned walls and may either be attached to the Large Non-Residential Establishment or placed a maximum of twenty-five (25) feet from it.
- (c) Limitation. ~~No retail sales, general business, service business or wholesale business use within a Large Non-Residential Establishment shall exceed 65,000 square feet in usable floor area. Any Large Non-Residential Establishment that contains in excess of 40,000 square feet of such use shall be separated from other structures containing uses of 40,000 square feet or greater by the minimum amount of building separation required within that zoning district. The maximum size of any one structure within a development plan containing a Large Non-Residential Establishment is 120,000 square feet.~~
- (d) Special Use Permit Required. No Large Non-Residential Establishment shall be erected, constructed, or developed and no existing non-residential building shall be reconstructed, remodeled, arranged, or enlarged to become a Large Non-Residential Establishment unless a special use permit is approved as a part of a Planned District Development Plan as required by Section 1143.11, and in accordance with the following special use criteria:
- (1) If the Large Non-Residential Establishment is part of a larger development plan including out parcels or additional structures, these requirements shall apply to all buildings or structures within the development.
 - (2) ~~Large Non-Residential Establishments shall be located within a Planned District. Large Non-Residential Establishments shall be located within a Planned District, and shall meet the requirements of this Section 1147.15 or those of the Planned District within which the Large Non-Residential Establishment is located, whichever requirement is greater.~~
 - (3) Within the Planned District Development Plan for the property on which a Large Non-Residential Establishment is proposed, the provision for residential uses shall be encouraged, and may be required, by the Planning and Zoning Commission in order to provide for a mixed-use development scheme. This may lessen the need for such intense commercial development and reduce the overall impact on the community.
 - (4) Any Large Non-Residential Establishment shall have access to a major arterial roadway, as defined in the Delaware County Thoroughfare Plan, such as Home Road, Sawmill Parkway and State Route 750. This access can be direct or via internal streets connecting to the major arterial. Internal streets are those provided, public or private, within the confines of the development plan. External streets are those streets either adjacent to or away from the confines of the proposed development plan that are not major arterials. Whenever a large retail establishment has an additional access to a secondary or non-major arterial roadway, the main point of ingress and egress shall be at the intersection with the major arterial roadway.

Landscaping, signage, internal circulation patterns and other measures shall be incorporated to direct vehicles to the main point of ingress and egress.

- (5) A Community Impact Analysis is required to be submitted as part of the Planned District Preliminary Development Plan (the "Project"). This Community Impact Analysis shall include:
- A. A detailed description of the proposed Project and its design features, including existing conditions on the site and in the vicinity of the Project.
 - B. Identification and assessment of the impacts of proposed Project, including positive, negative, and indirect impacts.
 - C. An evaluation of how the Project will meet the design standards required in this section 1147.15.
 - D. Proposed measures to mitigate adverse impacts and/or maximize positive impact including design modifications and provision of infrastructure or public service improvements sufficient to support the Project. Any adverse impacts which cannot be mitigated shall be identified. Mitigation measures to be implemented by the applicant shall be identified.
 - E. The Community Impact Analysis shall assess the following areas of potential impact.
 - (1) Existing Physical Conditions. Describe the existing physical and ecological characteristics of the site and how it relates to the surrounding land including topography, slope, soils, wetlands, surface water, vernal pools, flood plains, depth to groundwater, drainage patterns, type and coverage of vegetation, wildlife and wildlife habitat, identification of any rare or endangered plant or animal species, relationships to public or private water supply wells and recharge areas or public water supply reservoirs.
 - (2) Existing Surrounding Conditions. Describe the surrounding neighborhood and any scenic, unique geological, historical, or archeological features and recreational areas on the site or in the vicinity of the site which could be affected by the Project. Identify the impacts to historic properties, districts, or areas, and any archaeological sites on the property or in the vicinity of the Project. Consultation with the Powell-Liberty Historical Society is required.
 - (3) Project Description. Describe the layout of the proposed Project in detail (site plans may be used) including scale, placement, and design of buildings and structures; lighting; parking areas; open space; relationship to scenic views from the site; views of the Project from distant vantage points and from adjacent properties and public ways. Evaluate the proposed architectural design in relationship to surrounding land uses and prevailing architectural style including major design elements such as scale, materials, color, setbacks, and roof lines. Describe any recreational facilities proposed for the site and any provision for public recreational or open spaces. Describe any existing local plans and policies and how the proposed Project relates to those plans and policies.
 - (4) Market Analysis. Evaluate the market and financial feasibility of the Project. Include any market studies prepared for the Project and any plans for phased construction. Discuss the trade service area of the Project, the need for the Project at the proposed location, and the ability of the trade service area to support the Project and any potential impacts to other businesses in the trade area.
 - (5) Traffic Analysis. This analysis shall include a review of existing traffic conditions including the following: average daily and peak hour volumes, sight distances, street capacity, level of service, physical characteristics of the streets, number and location of driveways and intersections, average and peak speeds, accident data, pedestrian movement, and traffic controls for streets and intersections adjacent to the Project; a

review of impacts on streets and intersections which will experience an increase in peak hour traffic as a result of the Project or which will experience a reduction in the level of service as a result of the Project; a review of impacts on failing streets and intersections (as determined by the City Engineer and Zoning Administrator) which will experience an increase in traffic due to the impacts of this development. The traffic analysis shall also include a review of projected traffic conditions including the following; average daily and peak hour traffic projections and directional distribution of site generated traffic (background traffic conditions for the design year including any planned roadway/traffic improvements and other proposed projects in the vicinity of the site), sight distances at proposed driveway intersections with streets, on-site traffic circulation and parking layout, pedestrian movement, and projected traffic impact evaluating how the proposed Project will affect traffic conditions and streets and intersections adjacent to and those likely to be affected by the proposed Project including level of service, traffic flow, turning movements, sight distances, traffic controls, pedestrian movement, and public transportation.

- (6) Water. Describe and submit to Del-Co Water Company the proposed water supply system including average daily and peak water demand; location, sizing, and accessibility to water mains; and water pressure and flows available at the site. Evaluate the capacity of the water supply and distribution system to adequately service the projected water and fire flow needs of the Project; the need for pumping stations, standpipes, or improvements to the water system required to service the Project. Estimate the cost and discuss the responsibility for construction of improvements and on-going maintenance. Consultation and a letter from the Del-Co Water Company stating feasibility of service to the development is required.
- (7) Sanitary Sewer. Describe and submit to the Delaware County Sanitary Engineer the proposed sewage disposal system including average daily and peak wastewater discharges to the County sewer system; composition and concentration of wastewater; location, sizing, and pumping stations, forced mains or other system improvements required to adequately service the Project. Evaluate the capacity of the sewage treatment plant and the sewerage system to accommodate the wastewater flows. Estimate the cost and discuss the responsibility for construction of system improvements and on-going maintenance. Consultation and a letter from the Delaware County Sanitary Engineer stating feasibility of service is required.
- (8) Storm Drainage. Describe the proposed surface drainage system including pre and post runoff calculations; the location, sizing, accessibility, and proposed discharges to the City storm system. Evaluate the capacity of the existing storm system to accommodate projected storm water runoff. Estimate the cost and discuss the responsibility for construction of storm drain improvements and on-going maintenance. Specifically evaluate the impact of storm water, runoff, flooding, erosion, sedimentation, grading changes, increased impervious surface, discharges to groundwater, pumping of groundwater, wetlands disruption, and changes to vegetative cover. Provide the location and results of any test pits, soil borings, and percolation tests performed on the site. Consultation with the City Engineer is required.

- (9) Waste. Describe the quantity and composition of projected solid wastes to be generated by the Project including average weekly volume in cubic yards of refuse generated; recycling potential; method of on-site storage and collection. Describe the types, quantities, use and storage methods for hazardous materials and wastes to be used or generated by the Project. What measures will be taken to prevent a release into the environment? Describe impacts on nearby areas, especially residential areas, and include timing provisions for removal of solid and hazardous wastes to prevent overflow and nuisances created by wastes.
- (10) Police and Fire. Describe the anticipated fire and police protection needs including time and demand on City and Township personnel; provision for alarms or warning devices; on-site fire fighting and security capabilities; need for increased municipal personnel or equipment. Estimate the cost and discuss the responsibility for providing emergency protection to the Project. Describe the use of private security and how they will work with the City Police Department. Consultation with the City of Powell Police Department and Liberty Township Fire Department is required.
- (11) Quality of Life and Ecological. Identify and evaluate the potential impacts of the Project on surface water, wetlands, groundwater, plant and wildlife species, and noise levels on site and off-site which will be affected by the Project.
- (12) Employment. Estimate the number and types of jobs to be created by the Project, estimate the amount of local labor to be used, and evaluate the impact of the Project on existing employers in the community.
- (13) Impact on Surrounding Communities. Estimate the amount, type, and location of spin-off development resulting from construction of the Project and its likely impact on the community including changing land use patterns, development pressure on surrounding neighborhoods, impact to the downtown business district, impact to important natural resources, traffic, and City services. Identify and evaluate the potential impacts to neighboring communities resulting from the Project.
- (14) Financial Impact. Evaluate the projected costs and benefits to the community resulting from the Project including:
 - (a) Projected short-term and long-term costs arising from increased demand for and required improvements to public services and infrastructure.
 - (b) Value of improvements to public services and infrastructure to be provided by the Project.
 - (c) Projected short-term and long-term tax revenues to be generated by the Project, including income tax based upon projected employment or known employment factors and business structure within the development.
 - (d) Projected impact of the Project on surrounding land values and any potential loss or increase in tax revenues to the City.
- (15) Mitigation and Enhancement. Describe proposed mitigation measures for negative impacts identified above and how positive impacts will be enhanced to better benefit the community.

F. The following standards shall be applied by the Planning and Zoning Commission and Council when reviewing the Community Impact Analysis:

- (1) Existing Conditions. Provision shall be made for preserving historical features of the site. The Project shall be compatible with the character and scale of neighboring properties especially historic structures or areas.
- (2) Proposed Project. Building materials, architecture, and building placement shall minimize the visibility of Large Non-Residential Establishment buildings from distant vantage points, minimize obstruction of scenic views visible from public ways, and ensure compatibility with neighboring properties. However, incorporation of outstanding building design and siting that creates the formation of a community landmark is encouraged. Project siting and design shall be consistent with the Planned Commercial Development Design Guide.
- (3) Traffic. The Level of Service (LOS) of all streets and intersections evaluated shall not be reduced. Level of Service shall be determined in accordance with the most recent standards adopted by the Ohio Department of Transportation. The design goal for all streets, signalized intersections, and turning movements at un-signalized intersections shall be LOS C or better. For streets and intersections currently functioning at LOS C or better, mitigation measures shall be provided to maintain or improve the existing LOS. Where the existing LOS is D, mitigation measures shall at a minimum upgrade the LOS to C or better. For all streets and intersections which are currently failing (LOS E or worse), the goal of mitigation measures is to provide a LOS C or better. At a minimum, existing conditions at failing streets and intersections shall not be further degraded as a result of the Project. Driveways shall be located to limit conflict points with existing driveways and intersections and shall meet intersection design standards as established by the City Engineer. Shared driveways and service roads shall be used to control access onto existing streets. The impact of increased turning movements shall be mitigated. The Project shall be sited and driveways located to prevent routing of non-residential traffic to and through residential streets. Pedestrian and bicycle circulation shall be separated from motor vehicle circulation and shall be an integral part of the overall plan.
- (4) Water, Sanitary Sewer, and Storm Drainage. The public water, sewer, and drainage systems in the vicinity of the site shall be adequate to serve the proposed Project. If public utilities are not adequate to serve the Project, the reviewing authority may require, as a condition of approval, off-site improvements to increase the capacity of such utilities sufficient to serve the Project. All utilities shall be placed underground where physically feasible. All commercial and industrial discharges to the sewage treatment plant shall be pretreated if required by the Delaware County Sanitary Engineer to prevent overloading of the treatment plant. All discharges shall be in compliance with the Delaware County Sanitary Engineer. On-site storm water management measures shall be required to ensure that the rate of runoff from the site to the public storm sewer is not increased as determined by the City Engineer. Provision shall be made for on-going maintenance of on-site storm water management facilities connected to the public storm system. The development of on-site storm water retention ponds shall be done in a manner which adds to the overall design of the site and if possible be designed to be utilized within publicly accessed open spaces within the development plan.
- (5) Police and Fire. Municipal police and fire services shall not be strained by the proposed Project. Adequate fire flows shall be

available at the site. Improvements to the water system may be required to provide adequate service or on-site alternatives owned and maintained by the landowner may be required.

- (6) Quality of Life and Ecological. The Project shall not create any significant emission of noise, dust, fumes, noxious gases, radiation, water pollutants, or any similar significant adverse environmental impact. The Project shall not cause erosion, flooding, sedimentation, or increase the rate of runoff from the site. Provision shall be made for attenuation of runoff pollutants. Groundwater recharge shall be provided where the City deems it important. The Project shall be designed to minimize the destruction of wetlands, unique natural features, wildlife habitat, and rare or endangered species. Special effort shall be made to maintain wetlands, wetland buffer zones and corridors between wetlands and wooded uplands; wildlife travel corridors; existing diversity of plant communities; and to avoid alteration of areas most difficult to replicate. The Project shall not result in a reduction of groundwater recharge, deteriorate surface or groundwater, or negatively impact any public water supply recharge area or watershed. Commercial and industrial discharges of process waste water to the ground shall not be permitted. Best available measures shall be used to prevent a discharge or spill of hazardous materials or wastes into the environment. Buffers, setbacks, landscaping, and traffic circulation patterns shall be used to mitigate noise, water, and air pollution impacts.

- (7) Financial and Economic. Adverse impact to the downtown business district shall be minimized through the use of joint marketing, hours of operation, products offered, and other measures by collaboration with the current downtown business association. The trade service area shall be able to support the proposed development. The proposed Project shall not have a significant adverse impact on the City in terms of balancing as near as possible the cost of public services and public revenue provided through taxes and other income. The City may require phasing of the Project to minimize negative fiscal impacts to the City over the short term. The Project shall be designed to minimize any negative impacts to adjoining property values. The applicant shall demonstrate the financial ability to complete the Project and to achieve long-term financial stability.

- (6) The number of parking spaces provided shall be kept to a minimum. Unless demonstrated by the applicant through studies, actual data, or other documentation, the maximum number of parking spaces provided shall not exceed the minimum of the required amount of parking as determined in Chapter 1149.
- (7) No more than forty (40) percent of the required off-street parking for the entire property may be placed between the front facade of the building and the primary abutting street unless the building and/or parking lots are screened from view by outlot development (such as restaurants, offices, or other non-residential uses), tree and shrub landscaping, and landscaped mounding. Parking shall be distributed around the Large Non-Residential Establishment with peak and employee parking located to the sides and rear. In the event out parcels are included in the development plan, a majority of the parking shall be located to the sides and rear of the out parcel structure.
- (8) Parking shall be divided into parking pods that do not exceed eighty (80) parking spaces, have a maximum of four (4) points of ingress and egress, and be interconnected whenever possible. Each parking pod shall be surrounded on all sides by a green space buffer no less than ten (10) feet in width, excepting ingress and egress points. The green space buffer shall incorporate a hedge or other landscaping providing eighty (80) percent year round opacity from ground level to three feet above ground level. Shade trees shall be provided every forty (40) feet on center or in groupings if found by the Planning and Zoning Commission to be more appropriate. This provision shall not inhibit sight lines necessary for

safe vehicular and pedestrian movement. All other landscaping requirements found elsewhere in the Planning and Zoning Code shall be applicable.

- (9) Buildings shall have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character on all sides of a building. Such elements must be integral parts of the building fabric, and not superficially applied. The following architectural design criteria must be met on all sides of any structure (Please reference the Planned Commercial Development Design Guide for layout and design recommendations that help to meet these criteria):
- A. Facades must include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no less than ~~sixty (60) feet~~ horizontally or fourteen (14) feet vertically.
 - (1) Color change
 - (2) Texture change
 - (3) Material change
 - (4) Expression of architectural or structural bay through a change in plane no less than thirty-six (36) inches in width and depth, such as an offset, reveal, or projecting rib.
 - B. ~~Facades that are visible from a public right-of-way or parking area must incorporate windows, awnings, verandas, entry areas, or other such elements, individually or in combination, across the entire facade.~~
 - C. Windows shall be recessed and include prominent sills, shutters, or other such forms of framing.
 - D. The use of false facades, windows, doors, and other elements are encouraged where necessary to break massing and promote a pedestrian scale.
 - E. Entryway design elements and variations shall give orientation, aesthetically pleasing character, and pedestrian scale to the building. Each building shall have a highly visible customer entrance featuring architectural elements, which may include any combination of the following; overhangs, recesses and projections, verandas, arches, landscaped areas with places for pedestrian seating, architectural details such as tile work and moldings which are integrated into the building structure and design, peaked roof form, tower elements, canopies or porticos, night lighting, and other similar features.
 - F. Variations in roof lines shall be used to add interest to, and reduce the massive scale of large buildings. Roof features must compliment the character of adjoining neighborhoods. Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.
 - G. Building materials and colors must be aesthetically pleasing and similar to the surrounding community.
 - H. Liner Buildings are encouraged and may be required by the Planning and Zoning Commission along a Large Non-Residential Structure. Liner Buildings are subject to the requirements of this section as well as the following:
 - (1) The Liner Building shall cover a minimum of seventy-five (75) percent of the large non-residential façade the Liner Building is masking. Emphasis shall be placed on separating buildings and uses surrounding the entire Large Non-Residential Establishment. It is the intent to provide flexibility in layout and design rather than just blanket cover 75% of the Large Non-Residential Establishment façade.
 - (2) The street level façade of all Liner Buildings shall be no less than seventy (70) percent transparent between the height of three (3) feet and eight (8) feet above the walkway grade.
 - (3) The entrance to the Large Non-Residential Establishment shall be incorporated into the Liner Building design.

- (10) Pedestrian circulation and connectivity is required. To promote development at a pedestrian scale that is user-friendly and safe, the following requirements must be met:
- A. Bikepaths at least eight (8) feet in width shall be provided along all sides of the lot that abut a public or private right-of-way.
 - B. Continuous internal pedestrian walkways, no less than five (5) feet in width, shall be provided from the bikepath along all public and private rights-of-way to the entrance of all buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty (50) percent of their length.
 - C. Sidewalks, no less than five (5) feet in width, shall be provided along the full length of the building along any facade featuring an entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least five (5) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - D. Internal pedestrian walkways provided in conformance with Subsection C above, shall provide weather protection features such as awnings or arcades within 30 feet of all entrances, constructed parallel to the facade of the building. This is not intended to extend into the driving aisles or parking areas.
 - E. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Signs shall be installed to designate pedestrian walkways.
 - F. Pedestrian ways shall be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. The features and spaces should enhance the building and the center as integral parts of the community.
 - G. Bike racks shall be provided at various points within the proposed development where they are appropriate to public spaces and entrances to users.
- (11) Garbage collection areas, HVAC equipment, utility meters, loading areas and other such functions shall be incorporated into the overall design and screened from view from any public and private right-of-way. The location and screening of such areas shall minimize the visual and acoustic impacts of such functions. Such screening shall provide eighty (80) percent year round opacity. Loading and service areas shall be screened with walls incorporated into the design of the building and located as far as possible from the nearest residential area.
- (12) Along all public rights-of-way a white three rail fence shall be provided with street tree plantings every forty (40) feet on center or in groupings of trees along the rights-of-way. The landscaping and buffering requirements found elsewhere in the Planning and Zoning Code shall apply.
- (13) Notwithstanding other requirements within other sections of this code, the total amount of open space or landscaped areas shall be 30% of the gross amount of land within the planned district development plan. That means no more than 70% of impervious surface is allowed on the site. The maximum total lot coverage by any building(s) is 20% of the lot after any required dedication of road rights-of-way.
- (14) Any open or public space shall contribute to the establishment or enhancement of community and public spaces by providing at least four (4) of the following: patio/seating area, pedestrian plaza with benches, window shopping walkways, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the Planning and Zoning Commission, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. Additionally, any storm water detaining area not contained within a parking area shall be

- made to retain water, include at least one fountain, and be incorporated into the overall design and use of the development.
- (15) All outdoor shopping cart collection areas shall be located next to required landscaped parking bays and positioned and landscaped in a manner to minimize the view from public and private rights-of-way.
 - (16) Outdoor storage and display, except for the temporary storage of shopping carts in collection areas, is prohibited.
 - (17) Exterior lighting, both building lighting and site lighting, shall minimize the impact of ambient light on the surrounding community. A lighting plan is required showing the design and location of all fixtures. Included with the plan shall be a photometric drawing showing, in foot-candles, the light spread from each fixture. All fixtures shall be decorative and incorporated into the overall design of the development. Ambient light shall be minimized and all fixtures shall be equipped with a full cut-off shield and directed downward. No light shall be mounted higher than eighteen (18) feet above grade. Lighting is required at any intersection. Only at intersections with public streets is it permissible for any light to spill across the property line. All exterior site lighting, including signage, shall be turned off within one hour after the close of business, except for security lighting which shall be identified by the lighting plan. In the event a business is to be opened between the hours of 11:00pm and 6:00am, a minimum amount of lighting necessary for security and safety, which shall be identified by the lighting plan, shall be permitted to remain on during those hours.
 - (18) Internally illuminated signs are prohibited.
 - (19) If a single user intends to occupy 40,000 or more square feet of the Large Non-Residential Establishment, an adaptive re-use plan agreement must be submitted, approved and entered into by such single user, the owner and the City. It is intended here that the building be designed to incorporate possible future users in space that is divided from the original size user space. Factors to include in the design shall be future window and door openings, multiple loading and service provisions, and rough-in design for future utilities. The adaptive re-use plan agreement shall provide, among other things, (a) a plan for how the Large Non-Residential Establishment can be re-used if the single user vacates the Large Non-Residential Establishment, (b) that when such single user vacates the Large Non-Residential Establishment, the owner of the Large Non-Residential Establishment shall have twelve (12) months from the date of vacation to implement the re-use plan, and (c) that if, after twelve (12) months, the re-use plan has not been implemented, the owner shall be required to submit a revised adaptive re-use plan as an Amendment to an Approved Final Development and implement that plan within 12 months. Such agreement shall be recorded in the public records with the Delaware County Recorder's office.
 - (20) Deliveries and service functions shall only occur between the hours of 7:00am and 10:00pm.

PROPOSED ZONING CODE AMENDMENT RELATED TO CREATION OF NEW SECTION 1147.15, LARGE NON-RESIDENTIAL ESTABLISHMENT

1143.09 PLANNED DISTRICTS: PURPOSE.

There are hereby created the following districts, designated as "planned districts." It is the purpose of these districts to promote the public health, safety, and welfare by providing for the regulation of planned developments. These districts are so created in order to permit the careful and coordinated physical planning and development of the land, to provide flexibility in the location of land uses, housing types, and their intensity, and to provide incentives for provision of public parkland and private environmental conservation easements, public access pedestrian/bicycle/jogging paths and equestrian paths, the private construction of public parkways, and the construction of lower-to-middle income housing through provision of housing density bonuses for the provision of such amenities, while simultaneously protecting and preserving the natural environment, providing for surface drainage runoff control, limiting the buildup of residential and through traffic on already congested access points into the area between the two rivers and on existing and future major streets, and conserving and enhancing the community and regional character as a green, open, rural setting, permitting development yet constraining the tendency to overbuild the region. It is the intent of these regulations to provide maximum opportunity for orderly large-scale development that benefits the community as a whole by offering a greater choice in living

environments and a wider range of development plans featuring a more complementary blending of land uses and community facilities, and a more unified approach with respect to the mixture of uses and their adaptation to topological and geological features, recreational and natural environment preservation opportunities, and transportation needs.

- (a) Interpretation. Whenever the requirements of Sections 1143.07 to 1143.16 on Planned Districts appears to be in conflict with other sections of this Zoning Ordinance, or with those of other existing codes, the provisions of these sections shall prevail, except where otherwise noted.
- (b) Planned District Location. The location and extent of Planned Districts shall be as described herein or as designated on the Official Zoning Map.
- (c) Conditions Applicable to all Planned Districts.
 - (1) Required compliance with Comprehensive Plan: Each approved Planned District Development Plan must comply with the requirements of the Comprehensive Plan in all manners, including land uses, the general location of trafficways and their character, the provision of equestrian and/or pedestrian/jogging/bicycle pathways, etc., and any other feature or quality specifically noted in the Comprehensive Plan. In addition to the requirements of the Comprehensive Plan and as specified elsewhere in this Zoning Ordinance, all pedestrian/jogging/bicycle pathways shall be developed in conformity and in compliance with the standards and goals set forth in the Recreation/Transportation Access System Master Plan. Each new planned development shall be linked in conformity with said Access System Master Plan, unless circumstances prohibit this linkage. Circumstances must be specifically approved by the Planning and Zoning Commission.
 - (2) Uses. Uses in planned districts shall be as approved by the Planning and Zoning Commission as selected by the Commission from the specific lists of permitted uses and conditional permitted uses presented herein relative to the planned district category in question. Large Non-Residential Establishments, as defined by Section 1147.15 (b)(1), shall also be reviewed through the Special Use Permit process established within Section 1147.15, and shall meet the requirements within that section or those of the Planned District where the Large Non-Residential Establishment is located within, whichever requirement is greater.