

CHAPTER 1145 Planned Business Center

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1145.001 INTENT.

The primary intent of the Planned Business Center is to provide a permissive and alternative development procedure to encourage comprehensively planned and developed commercial developments.

(Ord. A-2248. Passed 4-9-01.)

1145.01 SUBMISSION OF PRELIMINARY PLAN.

The owner of a tract of land containing not less than ten acres may submit to the Planning Commission, for its review, a preliminary plan for the use and development of such tract as a Planned Business Center, provided that the tract is located at or near where a proposed commercial area or planned development area is shown on the Future Land Use Map, and, further, provided that the tract is in an O-1, B-1 or B-2 District. In accepting such a plan for review, the Commission must be satisfied that the proponents of the development intend to start construction within one year of the final approval by Council and intend to complete the project within two years of such approval.

(Ord. A-2248. Passed 4-9-01.)

1145.02 DUTIES OF PLANNING COMMISSION; FINAL PLAN.

- (a) It shall be the duty of the Planning Commission to hold a public hearing on the preliminary plan and to investigate and ascertain whether the plan complies with the following conditions:
 - (1) The location of the Planned Business Center shall be on property where the establishment of the center is unlikely to entail traffic and parking difficulties. The Commission shall satisfy itself as to the adequacy of the thoroughfares to

carry the additional traffic engendered by the proposed development and may request a report and recommendation of the City Engineer;

- (2) The plan shall present a unified and organized arrangement of buildings and service facilities, including parking and loading spaces;
 - (3) The plan shall conform to the requirements and standards as set forth herein; and
 - (4) The plan shall prohibit residential or industrial use of the land, or any other use which would substantially interfere with the orderly development or the continuation of the retail business and service uses.
- (b) Upon determination by the Commission that the preliminary plan meets these conditions, the proponent shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested by the Commission. If the final development plan is found to comply with the requirements set forth in this chapter, the Commission shall submit such plan, together with its report and recommendations thereon, to Council. Council shall process the final development plan in accordance with the provisions of Chapter 1153, including the holding of a public hearing thereon, and may modify the plan consistent with the intent and meaning of this chapter.
- (c) After the final development plan has been approved, any subsequent change in use or any adjustment or rearrangement of buildings, parking area, loading areas, entrances or exits, heights or yards that may be desired, shall be submitted in detail to the Commission. The Commission shall review such changes, adjustments and or rearrangements that may be proposed and submit its recommendation thereon to Council. Council shall take such action as is consistent with the requirements, intent and meaning of this chapter.

(Ord. A-2248. Passed 4-9-01.)

1145.03 PLAN CONTENTS.

Ten copies of the development plan and proposal shall be submitted and shall include:

- (a) A detailed site plan showing building, parking lot and loading space locations and layouts, as well as proposed landscaping and screening and the topography of the site and adjoining lands;
- (b) Architectural plans or sketches of the proposed buildings, as well as the proposed use of each building;
- (c) The arrangements to be made for utility connections and appropriate street widening or improvements;
- (d) A market analysis showing the number, size and type of stores which could be expected to operate with a reasonable margin of profit in the proposed center, and the suitability of the proposed location of the center in relation to existing and potential customer demand;
- (e) A traffic study, which shall include a comparative analysis of the present capacity of streets in the vicinity of the proposed center, with the traffic volumes anticipated once the center is in full operation, and a circulation plan for all such streets, including recommendations for controlling, signaling, channelizing, storing and warning traffic;

- (f) Arrangements contemplated for the operation and maintenance of facilities, together with a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with and complete construction and to operate and maintain it;
- (g) The existing zoning classification(s) of the property involved in the proposed development, with notations made where the proposal does not comply with all the provisions of the zoning district(s) involved and with statements on how design considerations will accommodate these provisions;
- (h) A preliminary plat for any subdivision of land involved in the proposed development;
- (i) A statement explaining why the proposed method of development may be seen as a superior alternative to development in the conventional manner under existing zoning and subdivision regulations;
- (j) A stormwater management and erosion control plan, including the locations and calculations of any retention/detention basins; and
- (k) Such other information as may be deemed necessary by the Commission in order that a determination may be made as to the appropriateness of the proposal for the section of the community in which it is intended to be built.

(Ord. A-2248. Passed 4-9-01.)

1145.04 PRINCIPAL USES.

The following uses shall be principally permitted in the Planned Business Center Overlay District:

- (a) Any use principally or conditionally permitted in the O-1 Office District.
- (b) Any use principally or conditionally permitted in the B-1 Local Business District.
- (c) Any use principally or conditionally permitted in the B-2 Community Business District.

(Ord. A-2248. Passed 4-9-01.)

1145.05 ACCESSORY USES.

Buildings, structures or uses accessory and customarily incidental to any principal permitted uses listed in the O-1 Office District, B-1 Local Business District or B-2 Community Business District shall be permitted in conjunction with such uses, including off-street loading and parking spaces, provided that accessory buildings or structures shall not exceed in gross floor area fifteen percent of the total gross floor area of the principal building or buildings.

(Ord. A-2248. Passed 4-9-01.)

1145.06 HEIGHT REGULATIONS.

No principal building or structure shall exceed sixty feet in height, and no accessory building or structure shall exceed twenty-five feet in height.

(Ord. A-2248. Passed 4-9-01.)

1145.07 PARKING AND LOADING REQUIREMENTS.

Accessory off-street parking and loading spaces shall be provided within the boundaries of the site in accordance with the following, other provisions of this Zoning Code notwithstanding:

- (a) Off-Street Parking Spaces. Not less than one space for each 100 square feet of gross floor area in the principal building or buildings.
- (b) Off-Street Loading Spaces. Not less than one space for each 7,500 square feet of gross floor area, or fraction thereof, in the principal building or buildings.

(Ord. A-2248. Passed 4-9-01.)

1145.08 REQUIRED CONDITIONS.

In addition to the other regulations and requirements contained herein, a Planned Business Center shall comply with the following:

- (a) Signs. Advertising signs shall be prohibited. All other exterior signs shall comply with the provisions of Chapter 1149.
- (b) Exterior Lighting. All exterior lighting of parking areas, buildings and signs shall be so arranged as to reflect the light away from adjoining lots, and no flashing lights or signs of any kind shall be permitted except those required by traffic regulations.
- (c) Maintenance and Landscaping. All buildings, structures, parking areas and loading spaces shall be kept and maintained in a neat and orderly manner and appearance. All areas not occupied by buildings, structures, parking areas or loading spaces shall be landscaped and maintained in a neat manner and appearance. Parking and loading areas located across a street from facing residential uses, or closer than thirty feet from the lot line of adjoining residential uses, shall be appropriately screened from such adjoining uses by means of plantings, ornamental fences or walls of approved design.

(Ord. A-2248. Passed 4-9-01.)

1145.09 OUTDOOR DISPLAYS.

Except when conducted within a mall area enclosed by buildings on the site, and except for the dispensing of fuels to motor vehicles, no outdoor display of goods, merchandise or services, or outdoor display or exhibit of any other nature, shall be permitted. However, the Board may, after public hearing, authorize a specific exhibit or display for a period up to but not exceeding fourteen days, provided that the applicant has substantiated to the satisfaction of the Board that such display or exhibit would be appropriate in a Business Center and that the activity will not adversely affect other property or uses in the vicinity.

(Ord. A-2248. Passed 4-9-01.)

1145.10 FAILURE TO COMPLETE PROJECT.

If the proposed Planned Business Center has not been completed within twenty-four months after the effective date of the final approval by Council, such approval shall become void, and no building permit or certificate of occupancy shall be issued on the basis of such plan. However, Council, upon the recommendation of the Planning Commission, may grant more time to the developer, not to exceed an additional twelve months, for such completion in cases where the

developer has diligently pursued such project within the initial twenty-four month period and has shown that the delay was caused by extenuating and unavoidable circumstances.

(Ord. A-2248. Passed 4-9-01.)

1145.11 IDENTIFICATION ON ZONE MAP

The boundary of any approved planned business center shall be identified on the "Zone Map, Sidney, Ohio" in accordance with Sections 1105.01 and 1105.02 of the Zoning Code. Such identification shall overlay the base district or districts in which the development is located.

(Ord. A-2248. Passed 4-9-01.)

1145.12 FEES.

Planned Business Center Development fees shall be as follows:

Preliminary Development Plan	\$ 50.00
Final Development Plan	\$150.00

(Ord. A-2468. Passed 1-9-06.)

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