

ORDINANCE NO. 04-2013
(As Amended)

To Amend Chapter 1174, Chapter 1107, Section 1147.01, and Section 1178.03 and Enact Section 1141.06 of the Codified Ordinances of the City of Worthington to Provide for Planned Unit Development in All Areas of the City.

WHEREAS, it is the wish of City Council to monitor and revise the Planning and Zoning Code of the City to ensure economic viability and preserve the character of the City; and

WHEREAS, the Comprehensive Plan Update & 2005 Strategic Plan for Worthington recommends creation of a PUD Zoning Classification that allows mixed-use and traditional style redevelopment; and

WHEREAS, Chapter 1174 of the Planning and Zoning Code was enacted in 2008 to allow residential redevelopment options in the Olentangy River Road Corridor and other residential areas; and

WHEREAS, it is the desire of City Council to allow Planned Unit Development for a mixture of uses throughout the City of Worthington;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That Chapter 1174 PUD, Planned Unit Development of the Codified Ordinances of the City of Worthington be and the same is hereby amended to read as follows:

1174.01 PURPOSE.

The purpose of Planned Unit Development is to promote variety, flexibility and quality for the development of properties in the City of Worthington. Planned Unit Development allows for more creative planning and design, and enables a greater range of uses than traditional Zoning regulations. Planned Unit Development allows for the design and mix of uses necessary to meet changing economic and demographic demands; permits implementation of development standards, plans, studies, and guidelines adopted by the City Council; and provides the opportunity to retain and enhance the character of the City, and the health, safety and general welfare of the inhabitants.

Planned Unit Development is a process to create a Planned Use District (PUD) in which development standards and uses are established for a Lot or Lots, and becomes the Zoning for the property.

1174.02 DEFINITIONS.

The definitions in Section 1101.01 and Chapter 1123 of the Planning and Zoning Code shall apply to those terms used in this chapter. The defined terms are capitalized.

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1174.03 GENERAL PROVISIONS.

- (a) Preliminary Plan. The Preliminary Plan shall be submitted to the Municipal Planning Commission to make a recommendation to the City Council, and which, if approved by the City Council, becomes the Zoning for the property and permits preparation of the Final Plan. The Preliminary Plan shall establish uses and development standards for the property as detailed in drawings and Development Standards Text.
- (b) Final Plan. The Final Plan shall be submitted to the Municipal Planning Commission to review for conformance to the adopted PUD. The Final Plan may be approved in phases, each of which shall implement the Development Standards and confirm uses for the property as detailed in drawings and Development Standards Text.
- (c) Subdivision. Preliminary and Final Subdivision Plats may be reviewed and approved with a Preliminary Plan, and shall be in accordance with Title One of the Planning and Zoning Code except as otherwise addressed pursuant to the PUD application and approval.
- (d) Overlay Districts: Any PUD located in an Overlay District or the Architectural Review District as defined in the Codified Ordinances of the City of Worthington shall comply with the development standards of the District, except as otherwise provided expressly varied in the Preliminary Plan.
- (e) Ownership. The project area shall be in ownership or control by the applicant or the applicant's designee at the time the application is made for a PUD. Subsequent transfer of property shall not alter the applicability of the PUD application, or approved Preliminary and Final Plans.
- (f) Retail. Retail uses in any PUD shall be limited to 20,000 square feet in gross floor area.

1174.04 ALLOWABLE USES.

The mix of uses allowed in a PUD shall meet changing economic and demographic demands; permit implementation of development standards, plans, studies and guidelines adopted by the City Council; and/or provide the opportunity to retain and enhance the character of the City, and the health, safety and general welfare of the inhabitants.

1174.05 DEVELOPMENT STANDARDS AND DEVELOPMENT STANDARDS TEXT.

Development Standards Text shall be a comprehensive narrative detailing the Development Standards for the proposed development, including without limitation the following:

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(a) Design Regulations:

- (1) Character. The proposed PUD shall consist of an integrated and harmonious design with properly arranged traffic and parking facilities and landscaping. The PUD shall fit harmoniously into and shall not adversely affect adjoining and surrounding properties, Roadways & public facilities.
- (2) Design. Site layout, Buildings, Accessory Structures, landscaping and lighting shall be compatible with or enhance the surrounding neighborhood and community.
- (3) Screening. Commercial and industrial uses, including parking facilities and refuse containers, shall be permanently screened from all adjoining residential uses.
- (4) Tract Coverage. The ground area occupied by all Buildings shall be balanced with green space to soften the appearance of the development. Total Lot/tract coverage shall be set forth in the PUD documents.

(b) Traffic and Parking:

- (1) Traffic. Adequate ingress and egress shall be provided as part of the PUD. The proposed PUD shall be located so that reasonably direct traffic access is supplied from major thoroughfares and where congestion will not likely be created by the proposed development. Where potential congestion may be alleviated by installation of Improvements on streets abutting the development, the developer shall be required to pay the cost of the construction of Improvements and shall dedicate or deed lands necessary for street widening purposes when so required by the City. A traffic study shall be provided by the applicant as required by the City.
- (2) Parking. Parking shall adhere to the following standards:
 - A. Design. Parking and service areas shall be designed and located to protect the character of the area.
 - B. Non-residential Uses. Parking shall be adequate to serve the proposed uses, but shall in no case exceed one-hundred and twenty (120) percent of the parking requirement in Section 1171.01.
 - C. Residential Uses. There shall not be less than one parking space per Dwelling Unit.
 - D. Bicycle Parking. Bicycle parking should be adequate to serve the proposed uses.

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(c) General Requirements:

(1) Environment. The City may request environmental studies for the property, and may request and receive reports and studies from any agency having jurisdiction over the property, indicating whether there are any environmental issues that would affect the property and/or surrounding properties with the proposed development.

(2) Natural Features.

A. The Municipal Planning Commission shall not recommend a PUD unless it finds that such development preserves, restores, maintains and/or enhances: (1) Natural Features and (2) the character of the surrounding neighborhood and community.

B. The Municipal Planning Commission shall not recommend a PUD if it finds that the Natural Features on such property have been or will be removed, damaged, altered or destroyed in anticipation of development until agreement is reached between the applicant and the Municipal Planning Commission on permanent restoration of Natural Features. All healthy trees 6" caliper or larger shall be retained, or replaced with total tree trunk equal in diameter to the removed tree, and this shall be documented as part of an approved Natural Features preservation plan and/or landscape plan. In the event the Municipal Planning Commission determines that full replacement would result in the unreasonable crowding of trees upon the Lot, or that such replacement is not feasible given site conditions, a fee of four hundred fifty dollars (\$450.00) per caliper inch of trees lost and not replaced on such property shall be paid in cash to the City for deposit in the Special Parks Fund. Such deposits shall be used for reforestation on public property.

(3) Public Area Payments.

A. The City Council shall determine whether a portion of such PUD should be dedicated on the plan to a public agency for park, playground or recreational uses. Such dedication may be required only if the City Council determines that there is a need for such property and that the dedication is related both in nature and extent to the impact that the proposed development will have on the parks and recreation system.

B. Whenever commercial or industrial space is created as part of a PUD, then the developer or owner, as the case may be, shall make a cash payment to the City in the amount of one hundred dollars (\$100.00) per 1000 gross square feet of new or expanded commercial or industrial space for deposit in the Special Parks Fund. Such deposits shall be used for costs associated with the

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City's parks, playground and recreation areas. This section shall not apply to any PUD for which a dedication of land to the City was required pursuant to subsection (A) hereof.

- C. Whenever any new Dwelling Units are created as part of a PUD, then the developer or owner, as the case may be, shall make a cash payment to the City in the amount of two hundred fifty dollars (\$250.00) per each new Dwelling Unit created for deposit in the Special Parks Fund. Such deposits shall be used for costs associated with the City's parks, playground and recreation areas. This section shall not apply to any PUD for which a dedication of land to the City was required pursuant to subsection (A) hereof.
- D. The public area payment required by this section shall be made prior to the issuance of the building permit for the project.

(4) Public Space Amenities. A minimum of one Public Space Amenity as approved by the Municipal Planning Commission shall be required for every five-thousand (5000) square feet of gross floor area of multiple family dwelling, commercial or industrial space that is new in the PUD. Public Space Amenities are elements that directly affect the quality and character of the public domain such as:

- A. An accessible plaza or courtyard designed for public use with a minimum area of two-hundred fifty (250) square feet;
- B. Sitting space (e.g. dining area, benches, or ledges) which is a minimum of sixteen (16) inches in height and forty-eight (48) inches in width;
- C. Public art;
- D. Decorative planters;
- E. Bicycle racks;
- F. Permanent fountains or other Water Features;
- G. Decorative waste receptacles;
- H. Decorative pedestrian lighting; and
- I. Other items approved by the Municipal Planning Commission

1174.06 PRELIMINARY PLAN SUBMISSION REQUIREMENTS.

- (a) Requests to rezone land as a PUD shall be submitted to the Municipal Planning Commission with an application, a Preliminary Plan and Development Standards Text. At the time of filing the PUD application, the applicant shall pay a fee of three hundred fifty dollars (\$350.00), plus twenty-five dollars (\$25.00) for each acre of land included in the request, no part of which shall be refundable.

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- (b) The Preliminary Plan submittal shall include the following:
- (1) A legal description and vicinity map showing the property lines, streets, existing Zoning, and land uses within 300 feet of the area proposed for the PUD;
 - (2) Names and addresses of owners, developers and the registered land surveyor, engineer or architect who made the plan;
 - (3) Date, north arrow and total acreage of the site;
 - (4) A topographical survey of all land included in the application and such other land adjoining the subject property as may be reasonably required by the City. The topographical survey shall show two foot contours or contours at an interval as may be required by the Municipal Planning Commission to delineate the character of the land included in the application and such adjoining land as may be affected by the application. Elevations shall be based on North American Vertical Datum of 1988 (NAVD88). In lands contiguous to or adjacent to the flood plain of the Olentangy River, existing contours shall be shown in accordance with the elevations set forth in Chapter 1105;
 - (5) Existing Structures, parking and traffic facilities, Easements and public Rights-of-Way on the subject property as well as within 300 feet of the area proposed for PUD;
 - (6) Existing sewers, water mains, culverts and other underground facilities within the tract and in the vicinity, indicating pipe size, grades and exact locations;
 - (7) The location of Natural Features and provisions necessary to preserve and/or restore and maintain them to maintain the character of the surrounding neighborhood and community;
 - (8) A tree preservation plan showing all existing trees 6" caliper or larger;
 - (9) A preliminary grading plan;
 - (10) Preliminary design and location of Structures, Accessory Structures, streets, drives, traffic patterns, Sidewalks or Recreation Paths, parking, entry features, site lighting, landscaping, screening, Public Space Amenities and other features as required by the City;
 - (11) The proposed provision of water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness of such facilities;

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- (12) Parcels of land intended to be dedicated or temporarily reserved for public use, or reserved by deed covenant, and the condition proposed for such covenants and for the dedications;
- (13) Proposed Easements;
- (14) Proposed number of Dwelling Units per acre;
- (15) Proposed uses, including area of land devoted to each use;
- (16) Proposed phasing of development of the site, including a schedule for construction of each phase;
- (17) Homeowners or commercial owners' association materials;
- (18) Development Standards Text; and
- (19) Any additional information as required by the Municipal Planning Commission and the City Council.

1174.07 FINAL PLAN SUBMISSION REQUIREMENTS.

- (a) After approval by the City Council of the PUD Ordinance and prior to beginning construction of each phase of the development, Final Plans addressing one or more phases of the proposed development shall be submitted to the Municipal Planning Commission. At the time of filing each Final Plan application, the applicant shall pay a fee of two-hundred dollars (\$200.00), no part of which shall be refundable. No Final Plan shall be approved until the effective date of said Ordinance.
- (b) Final Plan submittals shall include the following:
 - (1) An exhibit showing which phases of the Preliminary Plan are part of the proposed Final Plan, with all phases annotated as to the as-built conditions;
 - (2) An updated construction schedule;
 - (3) All items required in the Preliminary Plan, revised as necessary to meet the approved PUD Ordinance;
 - (4) Proposed final design and location of Structures, Accessory Structures, streets, drives, Sidewalks or Recreation Paths, parking, entry features, site lighting, landscaping, screening and other features as required by the City;
 - (5) Evidence that the applicant has sufficient control over the land to undertake the proposed development; and

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- (6) Covenants and other restrictions which will be imposed upon the use of the land, Buildings, and Structures, and a copy of any bylaws.
- (c) For any development involving the extension of utilities, the owner shall also submit conceptual utility drawings containing the following information:
 - (1) The pipe size, slope, manholes and location of the sanitary sewer system;
 - (2) The size, shape and slope for all pipes, channels and basins of the storm sewer system with accompanying storm drainage calculations;
 - (3) The size and location of water lines and fire hydrants; and
 - (4) Street or drive grades, cross sections, elevations and contours at two foot intervals.
 - (5) If a conceptual utility plan is required, the applicant shall pay a fee of fifty dollars (\$50.00) per acre for each acre in the development; however, such fee shall not be less than two hundred fifty dollars (\$250.00) for the purposes of reviewing such utility plans.

1174.08 PUD PROCEDURES.

- (a) Pre-application. The applicant may request review and feedback from City staff and/or the Municipal Planning Commission prior to preparing a Preliminary Plan. No discussions, opinions, or suggestions provided shall bind the applicant, or the City, or be relied upon by the applicant to indicate subsequent approval or disapproval by the City.
- (b) Preliminary Plan.
 - (1) Municipal Planning Commission. The Municipal Planning Commission shall recommend to the City Council that the application for PUD be approved as requested, approved with modifications, or disapproved. In the event the Municipal Planning Commission disapproves the application, the petitioner may elect not to have the same recommended to the City Council.
 - (2) City Council. Upon receipt of the recommendation of the Municipal Planning Commission, the requested PUD shall be set forth in Ordinance form and shall thereafter be introduced in writing at a meeting of the City Council, and the City Council shall fix a date for a public hearing. Such hearing may be held on but not before the fourteenth day following the fixing of the date or on any day thereafter. Notice of the public hearing shall be given by announcement of the day, hour, place and subject, one time, in a newspaper of general circulation in the City, and the hearing date and time shall be posted on the property to be considered for the

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PUD. During the period between the fixing of the date of the hearing and the date of the hearing, the Preliminary Plan, shall be kept on file in the office of the Planning and Building Department for public examination during regular office hours. The availability of such materials shall be indicated in the published notice of the hearing.

After receiving from the Municipal Planning Commission the recommendations for the proposed PUD and after holding the above public hearing, the City Council shall consider such recommendations and vote on the passage of the proposed PUD Ordinance. The City Council may, by a majority of all its members, adopt or reject the proposed Ordinance, with or without change.

(c) Final Plans.

(1) The Municipal Planning Commission shall review Final Plans for compliance with the approved PUD Ordinance and shall:

- A. Approve the Final Plan as requested;
- B. Approve the Final Plan with modifications as agreed by the applicant which do not change the essential character of the approved PUD and do not need review by the City Council;
- C. Recommend the Final Plan to the City Council with changes that require an amendment to the PUD Ordinance; or
- D. Disapprove the proposed Final Plan when said plan does not meet the requirements of the PUD.

(2) Requested modifications to the approved Final Plans shall be reviewed according to the following:

A. City Staff. The City staff may authorize minor design modifications that are required to correct any undetected errors or that are consistent with the purpose of the approved Final Plan. Such modifications shall be limited to:

- 1. Minor adjustments in lot lines provided no additional lots are created;
- 2. Minor adjustments in location of Building footprints and parking lots, provided the perimeter required Yards remain in compliance;
- 3. Minor adjustments in Building height;

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4. Minor modifications in Structure design and materials, and lighting provided there is the same general appearance; and
 5. Minor modifications of landscaping, including substitution of materials.
- B. Municipal Planning Commission. The Municipal Planning Commission shall review modifications other than those listed in the above section, and any of the above modifications as recommended by City staff.
1. Should the Municipal Planning Commission find that such modification keeps the essential character of the approved PUD, and does not require an amendment to the PUD Ordinance, the Municipal Planning Commission shall approve such modification.
 2. Should the Municipal Planning Commission find that such modification requires an amendment to the PUD Ordinance, the Municipal Planning Commission shall forward a recommendation of approval or denial to the City Council for such amendment.
 3. At the time of filing of an application to modify the Final Plan for review by the Municipal Planning Commission, the applicant shall pay a fee of one-hundred dollars (\$100.00), no part of which shall be refundable.
- (d) Appeal. Any person, firm or corporation, or any officer, department, board or agency of the City who has been aggrieved or affected by any decision of the Municipal Planning Commission involving an application for a Final Plan for a PUD, or any member of the City Council, whether or not aggrieved or affected, may appeal such decision to the City Council by filing notice of intent to appeal within seven days of the date of the decision, and filing a petition with the Clerk of Council within fifteen days from the date of the decision and setting forth the facts of the case. The City Council shall hold a public hearing on such appeal not later than thirty days after such petition has been filed with the Clerk of Council. The City Council, by an affirmative vote of four of its members, shall decide the matter on the merits of the case after giving due consideration to the deliberations and decisions of the Municipal Planning Commission and the City Council's decision shall be final.
- (e) Expiration. Each phase of the total project shall be started and completed within the dates specified in the Preliminary Plan approval or:

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- (1) The City Council may grant an extension of the PUD approval for good cause shown if such request for extension is made prior to expiration;
- (2) A new application may be submitted for Preliminary Plan approval;
- (3) The City may change the Zoning of the property to another Zoning District as may be determined appropriate by the City Council.

1174.09 GUARANTEE OF NATURAL FEATURES WORK.

- (a) Prior to beginning construction, the owner or developer shall provide a bond, letter of credit acceptable to the City, or a certified check, guaranteeing the work of preserving and/or restoring and maintaining Natural Features. The bond, letter of credit or check shall be in an amount equal to the estimated cost of the work of preserving and/or restoring and maintaining Natural Features, and the same shall be released upon acceptance of the Natural Features work by the City and upon the furnishing by the owner or developer of an additional bond or letter of credit acceptable to the City, or a certified check in an amount equal to ten percent (10%) of the estimated cost of the Natural Features work to guarantee maintenance of the Improvements and the Natural Features work for a period of one year.
- (b) The owner or developer shall, prior to beginning construction, deposit with the Director of Finance a sum of money as prescribed by the City Engineer to defray the cost of inspection and whatever engineering services may be required, and expense incurred by the City in the installation of any public improvements. Should the amount of such deposit be insufficient to pay the cost thereof, the developer shall immediately, upon demand, deposit such additional sums as are estimated by the Director to be necessary. Upon completion and acceptance of the improvement, any unexpended balance remaining from such deposit or deposits shall be refunded.

1174.10 COORDINATION WITH OTHER PROVISIONS OF PART 11, PLANNING AND ZONING CODE

For any applicable procedures or requirements not contained or referenced in this Chapter, procedures and requirements contained elsewhere in Part 11 of Codified Ordinances shall govern. In the event any procedures or requirements contained in this Chapter conflict with procedures or requirements contained elsewhere in Part 11 of the codified Ordinances, the procedures or requirements contained within this chapter shall have precedence and shall govern.

SECTION 2. That Chapter 1107 of the Codified Ordinances of the City of Worthington, Variances, be and the same is hereby amended to read as follows:

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1107.01 VARIATIONS BY COUNCIL ACTION.

On recommendation of the Municipal Planning Commission, or on its own initiative, Council may by Ordinance, permit variations from the standards established in the Planning and Zoning Code with regard to the approval of a Subdivision, Development Plan, or Planned Use District in order to afford justice and address practical difficulties to interested persons. Council may by Resolution permit variations from the standards established in the Planning and Zoning Code with regard to the approval of an Amendment to a Development Plan. Once Council grants a variation or exception, the approval of the same by the Board of Zoning appeals is not required.

SECTION 3. That Section 1178.03 of the Codified Ordinances of the City of Worthington, Olentangy River Road Corridor standards, be and the same is hereby amended to read as follows:

1178.03 STANDARDS

The following standards shall be applicable to all new Subdivisions and Planned Unit Developments within the above described District:

- (a) Setback: All Structures shall be the following distances from the property line:
- (1) Olentangy River Road – 50’
 - (2) Side and Rear Yards abutting existing Lots – 40’
 - (3) State Route 315 Right-of-Way – 60’

Within the Setback area: retention of existing native vegetation and planting of new vegetation is expected. Fences may be appropriate in required Side and Rear Yards but shall not be placed in Front Yards or within the Olentangy River Road required setback. Accessory Structures and/or parking areas shall not be placed within the Olentangy River Road required setback.

- (b) Dwelling Units: The allowable number of Dwelling Units shall be no greater than 3.5 per acre. Dwelling Units may not be built above one another (i.e. stacked so that there are different Dwelling Units on different floors of the same Structure). The minimum living space for each Dwelling Unit shall be 1600 square feet.
- (c) Grade: Grade shall not be raised or lowered more than 2’ except otherwise provided in the approved Subdivision or Planned Unit Development. In no case shall the natural bluff near the 760 foot elevation be eliminated or significantly altered.
- (d) Recreation Paths and Sidewalks: Recreation Paths or Sidewalks shall be required in the Right-of Way along Olentangy River Road, except such Recreation Paths and Sidewalks may be placed in the Setback area where needed or required. All such Recreation Paths and Sidewalks shall follow the existing grade as closely as possible, and be constructed around trees 6” caliper or larger.
- (e) Trees: All healthy trees 6” caliper or larger shall be retained, or replaced with total tree trunk equal in diameter to the removed tree.

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SECTION 4. That Section 1147.01 of the Codified Ordinances of the City of Worthington be and the same is hereby amended to read as follows:

1147.01 PERMITTED AND CONDITIONAL USES

The permitted and conditional uses for each district, except districts designated as Planned Use Districts, are shown in the accompanying tabulation which shall constitute Chapter 1147 of the Zoning Ordinance. All uses in Zoning Districts designated Planned Use District shall be in accordance with the Preliminary Plan adopted by the City Council pursuant to Chapter 1174 of the Codified Ordinances. The interpretation of uses given in categorical terms shall be as defined in Chapter 1123. Uses not specifically listed or interpreted by municipal officials to be included categorically under this chapter and Chapter 1123 shall not be permitted except by amendment to the Zoning Ordinance. Man-made impoundments, lakes or ponds shall not be permitted in the City, except as part of a planned development in a Community Development Project, Integrated Commercial Center and Integrated Office, Research or Restricted Industrial Centers. This prohibition on impoundments, lakes, or ponds shall not apply in residential districts to back yard fish ponds or decorative water features with a depth of thirty inches or less, a surface of less than seventy-five square feet and located to the rear of a dwelling or structure.

SECTION 5. That Section 1141.06 of the Codified Ordinances of the City of Worthington be and the same is hereby enacted to read as follows:

1141.06 PLANNED USE DISTRICTS.

Areas for a mixture of land uses that are compatible with each other and adjacent development with creation of development standards and design characteristics to promote the housing and economic development goals of the City; provide for supporting community facilities; and ensure integration and conformity with the community.

SECTION 6. That notice of passage of this Ordinance shall be posted in the Municipal Administrative Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the Office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington.

Passed February 19, 2013

[Signature on File]

President of City Council

Attest:

[Signature on File]

Clerk of Council

Introduced February 4, 2013
P.H. February 19, 2013
Effective March 14, 2013