

ATTACHMENT B

PUD 06-1 FRASER PAPER MILL-CENTRAL AVENUE PLANNED UNIT DEVELOPMENT REGULATIONS March 27, 2007

STATEMENT OF INTENT

The Fraser Paper Mill has historically been an integral part of the City of West Carrollton's economy and a focal point in the "downtown". Over time, residential and light commercial development has surrounded the Mill property, resulting in a functional and aesthetic incompatibility between those uses and heavy industrial operations within the city's central business district. The West Carrollton Comprehensive Plan and numerous strategic planning documents identify this site as one of the City's top economic development priorities.

The cessation of the Mill's operations in 2003, subsequent sale of the property, and current demolition on the site have provided an historic opportunity for the City of West Carrollton to re-evaluate the desirability and compatibility of certain land uses within this area of the city. The first step in this process was the completion in 2004 of the Fraser Paper Mill Reuse Plan, which proposed neighborhood office/light industrial/service uses for this area. This PUD rezoning proposal represents the second step in the process, an update of the property's zoning classification to correspond to the goals of the Reuse Plan.

This land lies at the heart of the community, and represents one of the most visible focal points in its downtown and as a city gateway. As such, there is substantial public interest in protecting and guiding the character of its redevelopment, including future uses, land planning, and design. Certain uses within the current M-2 Manufacturing District are deemed incompatible with surrounding land uses, while the current zoning does not permit the mixed-use, unified design desirable for such a prominent development.

The objective of this Planned Unit Development (PUD) is to facilitate a successful, well-planned, visually appealing mixed-use project that will complement surrounding development and provide an attractive focal point and gateway for the community, as well as to encourage imaginative and creative development design while providing flexibility to the developer beyond what traditional zoning would allow.

DISTRICT BOUNDARIES

The PUD boundaries are illustrated on Attachment A, following property lines as displayed, but generally described as property situated in and near the West Carrollton Central Business District, with boundaries approximately at Central Avenue to the north, the rail line to the south,

Weir Street to the west, and Cedar Street to the east. All questions of PUD boundary interpretation shall be determined by the Planning Commission in accordance with the purpose and intent of these regulations.

REGULATIONS

1. **Detailed Final PUD Plan.** No permit shall be issued for development on this property until the Planning Commission has approved a Detailed Final PUD Plan in accordance with §154.10 of the Zoning Code and with the following regulations. Amendments to PUD shall be in accordance with §154.10.705 (G) of the Zoning Code.

2. **Permitted Uses.**

A. Uses permitted on property within the PUD west of Elm Street and north of the rail line, as well as property within the PUD east of Elm Street and south of Slonaker Drive, shall be limited to those permitted, conditional, and accessory uses in the M-2 Manufacturing District, except as follows:

i) Additional uses permitted in this portion of the PUD:

- (1) Animal hospital or veterinary clinic with indoor kennels or no kennels.
- (2) Day care facility – child day care center and Type B family day care home.
- (3) Dwellings – only owner-occupied units above ground floor office and commercial spaces. Residential developments planned and designed along conventional subdivision standards, apartment complexes, and rental properties are expressly prohibited.
- (4) Financial institution with or without drive-in.
- (5) Funeral homes.
- (6) Home occupations subject to the conditions of §154.16.03.
- (7) Hospitals/urgent care centers.
- (8) Lodging – hotels and motels; bed and breakfast establishment.
- (9) Manufacturing – light manufacturing.
- (10) Office – professional office/business office.
- (11) Recreation – health clubs.
- (12) Recreation – theater, except for drive-ins which are not permitted .
- (13) Restaurant – sit-down only, no drive-thrus.
- (14) Retail – sales and services.
- (15) School – business trade; technical; nursery.
- (16) Studio – instructional studio/commercial studio.

ii) Uses in the M-2 District which are specifically prohibited in this portion of the PUD:

- (1) Automotive wrecking yards.
- (2) Building materials – contractor storage yard.
- (3) Building materials – sales and storage yards.
- (4) Farming and agricultural production, and related farm uses.

- (5) Junk yards.
 - (6) Manufacturing – heavy manufacturing uses which involve activities or processes that necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process; which involve outdoor manufacturing operations as part of the manufacturing process; or which present hazards or conditions commonly recognized as offensive.
 - (7) Parking, commercial.
 - (8) Recreation – theater, drive-in.
 - (9) Truck stop.
 - (10) Warehousing – mini warehouses/self-service storage facilities.
- B. Uses permitted on property within the PUD west of Elm Street and south of the rail line shall be limited to those permitted, conditional, and accessory uses in the O-R Office Residential District, except as follows:
- i) Additional uses permitted in this portion of the PUD:
 - (1) Lodging – bed and breakfast establishment.
 - (2) Parkland – community parkland and public open space.
 - (3) Recreation – private, noncommercial areas and facilities.
 - (4) School – business trade; technical; nursery.
 - (5) Studio – instructional studio/commercial studio.
 - ii) Uses in the O-R District which are specifically prohibited in this portion of the PUD:
 - (1) Group homes (all).
 - (2) Parking, commercial.
 - (3) Wireless telecommunications facility.
- C. Uses permitted on property within the PUD east of Elm Street and north of Slonaker Drive shall be limited to those permitted, conditional, and accessory uses in the O-D Olde Downtown District, except as follows:
- i) Additional uses permitted in this portion of the PUD:
 - (1) Animal hospital or veterinary clinic with indoor kennels or no kennels.
 - (2) Funeral homes and mortuaries.
 - (3) Hospitals/urgent care centers.
 - (4) Lodging – bed and breakfast establishment.
 - (5) Recreation – commercial recreation facilities.
 - (6) Recreation – community center/senior center.
 - (7) Recreation – health clubs (all).
 - (8) Recreation – private, noncommercial areas and facilities.
 - (9) Recreation – theater with less than 50,000 s.f. gross floor area, except for drive-ins which are not permitted.
 - (10) Restaurant – sit-down only, without drive-thru/-in/-up facilities, not to include

taverns or cocktail lounges.

(11) School – business trade school/technical school.

ii) Uses in the O-D District which are specifically prohibited in this portion of the PUD:

(1) Fraternal lodges and private clubs.

(2) Parking, commercial.

(3) Restaurant – fast food restaurant.

D. Warehousing whose use is limited to the storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive, and excluding outdoor storage of material, shall be permitted within the PUD. Mini-warehouses/self-service storage facilities in which relatively small, individual storerooms are rented to or leased to members of the public on a short- or long-term basis, and as further defined in the City's Zoning Code, are expressly prohibited within this PUD.

3. **Nonconforming uses.**

A. Nonconforming uses include buildings, structures, or uses which were lawfully existing prior to the adoption of this PUD, but which are prohibited or further restricted as a result of the provisions adopted in this PUD. A use must lawfully exist and be in operation prior to the adoption and effective date of this PUD to constitute a nonconforming use under this paragraph.

B. All nonconforming buildings, structures, or uses of land which were lawfully existing prior to the adoption of this PUD may be maintained and kept in repair providing no further enlargement or movement of nonconforming buildings, structures, or uses of land shall occur, except by express approval of the Planning Commission. Any building, structure, or use of land which is devoted to a use which is not permitted within this PUD shall not be enlarged or moved, except by express approval of the Planning Commission. Any nonconformity may be altered to decrease the nonconformity.

C. Nonconforming buildings or structures may be reconstructed/restored following destruction less than 60 percent of the replacement value immediately prior to the damage, unless in conflict with the provisions of this paragraph. Reconstruction/restoration of buildings or structures with damage greater than 60 percent shall not be permitted, except by express approval of the Planning Commission.

D. Any nonconforming use of a building which has been discontinued for a period of twelve (12) consecutive months, or any nonconforming use of land which has been discontinued for a period of six (6) consecutive months, shall not be reestablished except by express approval of the Planning Commission.

E. The Planning Commission may permit enlargement, movement, reconstruction/restoration, and/or reestablishment of nonconforming uses within the PUD if it can be demonstrated that the enlargement, replacement, and/or reestablishment of such uses will further the goals of this PUD to achieve functional and aesthetic

compatibility of uses, proper site planning, and economic benefit to the city, and will not jeopardize the public health, safety, and welfare.

- F. All questions of interpretation regarding nonconformities shall be determined by the Planning Commission in accordance with the purpose and intent of these regulations.
4. **Site Design.** To help guide site planning within the PUD, the City will encourage a layout and design that reflects an urban “downtown” atmosphere, incorporating principles of mixed use and diversity, walkability and connectivity, high-quality architecture and urban design, higher densities, sustainability, and contribution to overall quality of life within the community. Since property within the PUD is not currently under unified ownership, the functional relationship of separate elements within the PUD will be of utmost importance in reviewing the site plan. Site design and building plans, designs and elevations shall be subject to review and approval by Planning Commission at Detailed Final PUD Plan stage.
5. **Access and circulation.**
- A. The City will seek a coordinated approach to vehicular and non-vehicular access and circulation within the PUD as part of the Detailed Final PUD Plan review. Property owners within the PUD shall be encouraged to use joint driveways and common access points in accordance with sound engineering standards as established by the City.
 - B. Primary points of access to the PUD shall be established at Detailed Final PUD Plan review stage, and are envisioned to include Central Avenue intersections with Locust Street, Elm Street, Miami Avenue, and Squire Street; as well as the Elm Street intersection with Slonaker Drive.
 - C. New curb cuts onto Central Avenue and Elm Street, access through residential neighborhoods, and additional rail line crossings shall be discouraged. Consolidation of existing curb cuts will be encouraged where appropriate.
 - D. If recommended by the Service Director at Final Detailed PUD Plan stage, the applicant may be fully responsible for the completion and submission of a detailed traffic study.
6. **Building design.** The following general building design principles are general guidelines for structures within the PUD:
- A. Building character:
 - i) Exterior building appearance is of utmost importance within this PUD, and as such high-quality building materials, including but not limited to brick and stone, as well as innovative and unique building facades, shall be sought for all structures.
 - ii) Architectural consistency within the project and with surrounding development shall be sought.
 - iii) Large monolithic “big box” buildings, which occupy a large portion of the PUD and leave little opportunity for a diverse mixed-use development, shall be discouraged. If proposed and supported, these buildings shall be modified in appearance to be articulated and subdivided into massing that is proportional to the mass and scale of other small scale structures in the district.

B. Building placement:

- i) Buildings should be located at or near the street right-of-way or building setback line, integrated with the sidewalk space, and afford direct pedestrian access from the street sidewalk, with parking located to the rear or side of the building.
- ii) Businesses should be designed to reinforce the pattern of small storefront divisions facing the street.
- iii) Drive-up facilities, where permitted, should be designed and located on the site so as to be screened as much as possible from public view.

7. **Residential density.** No more than 100 residential units shall be permitted within the PUD, as permitted by paragraph 2.

8. **Minimum lot size and frontage.** To provide maximum design flexibility, no minimum lot size or frontage is required within this PUD. However, the City reserves the right to set a minimum lot size and/or minimum lot frontage at Final Detailed PUD Plan stage, as deemed appropriate based on proposed uses and site design.

9. **Building setback requirements.**

- A. To create the dense, urban, mixed-use “downtown” atmosphere intended within this PUD, the City will seek to have buildings set back no further than 10 feet from the front property line, unless the Planning Commission makes a finding that varying from this requirement is necessary for proper site design and will not be detrimental to the purpose and intent of the PUD. Unless physical features of the site dictate otherwise, building facades should run parallel with the street and be placed at the front property line, with parking to the rear.
- B. The building setback along Central Avenue shall be evaluated at Final Detailed PUD Plan stage, with respect to the former Miami & Erie Canal land in part owned by the Miami Conservancy District and in part leased by the State of Ohio.
- C. No side or rear building setbacks shall be required, except as follows:
 - i) All buildings should be separated by a minimum of 10 feet.
 - ii) All property which is adjacent to an R, O-R, or A-1 Zoning District shall provide a landscape buffer in accordance with the landscape requirements of §154.13 of the Zoning Code. These strips shall be planted with trees and shrubs that will provide a dense screen at all times, and shall be maintained in good condition as required by this section of the code.
- D. The City reserves the right to set building setback requirements at Final Detailed PUD Plan stage, as deemed appropriate based on proposed uses and site design.

10. **Maximum building height.**

- A. Maximum building height shall be 35 feet or 2-1/2 stories for property within the PUD east of Elm Street and north of Slonaker Drive, as well as for property west of Elm Street and south of the rail line. Maximum building height for all other property within the

PUD shall be 45 feet or 4 stories.

- B. Buildings may be erected in excess of four stories provided that prior to issuance of a building permit for any structure, the Planning Commission shall make a finding that such height will not be detrimental to the public safety, or to the light, privacy, or air of any other structure or use currently existing or approved for construction.

11. Off-street Parking and Loading.

- A. Parking within the PUD shall be computed on the basis of four parking spaces required for 1,000 square feet of gross floor area of office and commercial mixed uses, applied throughout the entire area. Reciprocal shared off-site parking arrangements are highly encouraged and may, in certain cases, be required as a condition of project approval.
- B. In the case of commercial/residential mixed use development, parking shall be computed for each use and there shall be a separation between the residential parking areas and those devoted to commercial uses. Driveways and access lanes may be combined and shall be clearly demarcated with proper signage.
- C. Parking should be located to the rear or side of buildings and not front directly on public or private streets within the PUD.
- D. Existing parking lots should be shared and made more efficient through improved access and more efficient layout.
- E. Parking lots should be located and should be designed so they do not detract from the appearance of a site from streets or other public areas.
- F. Large, uninterrupted expanses of pavement should be avoided or substantially mitigated by the careful location of green space and plant materials within the parking lot.
- G. Loading areas should be visually unobtrusive and should be located properly in order to minimize conflicts with vehicles or pedestrians.
- H. Other off-street parking and loading requirements specified in §154.12 of the Zoning Code may be required at Detailed Final PUD Plan stage.

12. Lighting.

- A. All lighting shall be designed, located, and mounted at heights no greater than sixteen feet above grade for non-cutoff lights and thirty-two feet above grade for cutoff lights.
- B. Lighting should be used to illuminate important on-site elements such as entrances, pedestrian pathways, and pedestrian spaces.
- C. The luminosity, orientation, and location of exterior light fixtures should foster user safety and minimize vehicle/pedestrian conflicts.
- D. All lighting shall be located, screened or shielded so that adjacent uses are not directly illuminated, especially in cases where commercial uses abut or are in close proximity to residential uses.
- E. No lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of pedestrians and/or motorists.

13. Screening and landscaping.

- A. All landscape improvements shall be in accordance with §154.13 of the Zoning Code.
- B. The former Miami & Erie Canal land along Central Avenue, in part owned by the Miami Conservancy District and in part leased by the State of Ohio, may provide an opportunity for a unique linear gateway feature, which will be explored by the Planning Commission at Detailed Final PUD Plan stage.

14. Signs.

- A. All signs within the PUD shall be reviewed and approved by the Planning Commission in accordance with a unified sign plan proposed as part of the Detailed Final PUD Plan application, or shall conform to §153 of the Zoning Code, the Sign Code.
- B. Preferred sign materials shall include wood, natural stone, cast metal, or similar material.

15. Dumpsters. Dumpsters shall be located at the rear of buildings away from pedestrian pathways and shall be completely screened from public view by an enclosure which matches the material and color of the principal structure.

16. Exceptions. Exceptions to the aforementioned design standards may be granted by the Planning Commission at Detailed Final PUD Plan stage upon finding that any exceptions enhance the viability of the project and are not detrimental to the public welfare. This provision does not apply to paragraph 2, Permitted Uses, as any change to PUD uses must be approved by City Council as part of a requested PUD zoning amendment.

17. Other requirements.

- A. Prior to issuance of a zoning permit for the development, demolition on property to be developed shall be completed to the satisfaction of the City and in accordance with all applicable laws and requirements.
- B. All concerns of the Service Director regarding public improvements, including but not limited to the treatment of Owl Creek; floodplain issues; and sanitary sewer, water, and stormwater management shall be addressed at Final Detailed PUD Plan stage.
- C. All concerns of the City of West Carrollton, Montgomery County Combined Health District, and Ohio Environmental Protection Agency regarding environmental contamination on the property shall be addressed at Final Detailed PUD Plan stage.
- D. All subdivisions and lot splits on this property shall be reviewed and approved by the Planning Commission prior to issuance of a zoning permit.

18. Detailed Final PUD Plan requirements. At the Detailed Final PUD Plan stage, the applicant shall submit with its application all information addressing the aforementioned requirements, as well as the following information, at a minimum:

- A. Boundaries of the site(s) to be developed.
- B. Basic mapping of the property showing physical features, general topography, drainage way, water bodies, tree cover, and existing land uses.

- C. Highways and streets in the vicinity of the site(s), and the ingress and egress to site(s).
- D. Amount and location of land uses proposed to be developed, and phasing schedule if appropriate.
- E. Proposed use, density and building size of each proposed use.
- F. Proposed treatment of existing topography, drainage ways, and tree cover.
- G. Proposed location of major vehicular circulation and parking.
- H. Estimated traffic generation and necessary street improvements.
- I. Proposed treatment of stormwater detention/retention, as well as runoff control.
- J. Identification of existing and proposed water and sanitary sewer lines.
- K. Proposed building plans, including floor plans and exterior elevations.
- L. Landscaping plans including quantity, size, locations, and specific varieties of landscaping, as well as screening/buffering treatments.
- M. Copies of any restrictive covenants which are to be recorded.
- N. Proposed signage in the development to include size, color, and style.
- O. Proposed method of waste disposal.
- P. Lighting plan for the site to include type and style of lighting fixtures, as well as estimated illumination level.
- Q. Other information as requested by the City.