

RECORD OF ORDINANCES

Ordinance No. 3711

Passed: October 26, 2021

AN ORDINANCE ADOPTING AN AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE A PORTION OF THE OD OLDE DOWNTOWN DISTRICT TO PLANNED UNIT DEVELOPMENT DISTRICT PUD 06-1, AND ADOPTING RELATED AMENDMENTS TO THE DEVELOPMENT REGULATIONS FOR PUD 06-1.

WHEREAS, an application has been filed by the City of West Carrollton proposing an amendment to the Official Zoning Map to rezone a portion of the OD Olde Downtown District to Planned Unit Development District PUD 06-1, and recommending amendments to the development regulations for PUD 06-1; and

WHEREAS, a public hearing was held on September 2, 2021 by the West Carrollton Planning Commission, at which time all people who wished to testify gave their comments, and the Planning Commission unanimously recommends approval of the proposed amendments; and

WHEREAS, notification of a public hearing before the City Council regarding this matter was properly advertised in a newspaper of general circulation on September 16, 2021 in accordance with Section 154.08.01(D)(1) of the Zoning Code; and

WHEREAS, the proposal and meeting notice was posted on the City's website, and signs were placed conspicuously within the area proposed to be rezoned; and

WHEREAS, a public hearing was held by the West Carrollton City Council on October 26, 2021, at which time all people who wished to testify gave their comments; and

WHEREAS, Sections 154.05.05(C) of the West Carrollton Zoning Code specifies circumstances which justify amending the Zoning Code, and sections 154.10.701 to 154.10.705 govern the amendment of PUD district regulations; and

WHEREAS, the City of West Carrollton has determined that adoption of the proposed amendments is in the best interest of the citizens of West Carrollton to preserve and enhance property values and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WEST CARROLLTON, COUNTY OF MONTGOMERY, STATE OF OHIO:

SECTION I. That the City Council makes the following findings of fact with respect to the proposed amendment to the Official Zoning Map pursuant to case M-21-1, said findings of fact based upon criteria found within Section 154.05.05(C) of the Zoning Code:

- a) The Official Zoning Map amendment is in conformance with the 2009 *West Carrollton Sustainable Comprehensive Plan*:

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- i. The proposal supports one of the fundamental goals of the 2009 *West Carrollton Sustainable Comprehensive Plan*, which is to stimulate economic vitality within the city. The rationale for this proposed rezoning is that the City is seeking to redevelop this area as a unified mixed-use district, re-branded as the “Carrollton Centre”. The district is envisioned to include not only the property on the south side of Central Avenue where Miami Valley Sand is located, but also the current Carrollton Centre business district and property along the north side of Central Avenue. Consistency in zoning would ensure that this area is redeveloped with uniform development standards, and that the design of the district is unified, well-planned, coordinated, and visually-appealing as it develops over time. The Future Land Use Plan designates this area for future mixed-use development (Figure 3-7).
- ii. In addition, by ensuring future development of the property meets the design standards articulated in the PUD regulations, this proposal is consistent with the goals of the Comprehensive Plan and the *West Central Avenue Strategic Plan* to elevate the image and enhance the visual character of the community and to support and enhance community property values. The PUD development standards are entirely consistent with the Design Guidelines articulated in the *West Central Avenue Strategic Plan*. By maintaining an attractive built environment, the amendment supports the City’s goal to facilitate future economic growth, including the retention and expansion of existing businesses and the re-use of vacant buildings and sites. The rezoning may also contribute to achieving the City’s goal of becoming a destination city as articulated in these plans by attracting other businesses to this site which draw business from outside the community, such as Miami Valley Sand.
- iii. Rezoning to a PUD also supports the goal of the Comprehensive Plan to create additional flexibility in land use controls, thereby enhancing property values and facilitating private investment.
- iv. The City’s *Urban Design Plan* identifies this area as the “Elm Street Gateway”, as an important link between the southern residential neighborhoods and the Carrollton Centre. It seeks to improve the visual character of this area through landscaping in order to establish a gateway and serve as a transition to the Carrollton Centre. The heightened standards of the PUD district as applied to any future redevelopment of the property will achieve these objectives more effectively than the current zoning.

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b) There has been a substantial change in this area:

- i. This area has experienced a dramatic transformation with the closing of the Fraser Papers mill in 2003 and the subsequent acquisition and cleanup of the property by the City. This significant investment resulted in the first private development, Miami Valley Sand, which has become a popular regional attraction and has spurred interest from other developers and businesses. Future development and redevelopment of surrounding property in this PUD is imminent. The City is completing a major upgrade to the streetscaping and infrastructure in the Carrollton Centre on N. Elm St. to enhance its appearance and image and to establish an environment for future community events and private investment. In addition, W. Central Avenue was recently re-designed to create a more inviting atmosphere by reducing the number of travel lanes, providing on-street parking, and installing a new bicycle path. Future plans include relocating the Senior Center to the YMCA as well as removing the water tower, which will open the third and fourth corners for development.
- ii. The City's investment over many years has completely changed the landscape and market potential of this area, and established a vision to create a unified commercial district that encompasses the former Fraser property as well as the Carrollton Centre. These new conditions require consistency in zoning to ensure a well-planned and visually attractive district.

c) There is need for additional land in the zoning district classification.

- i. The Planned Unit Development District classification is desirable in that it provides the opportunity for the City and developers/property owners to reach a unique, property-specific set of guidelines for the use and development of property. These guidelines provide additional flexibility beyond traditional zoning for the developer/owner and heightened attention to design and aesthetics for the City. As reflected in the introduction of the PUD section of the Zoning Code, the purpose of PUD zoning is "*...to encourage imaginative and creative urban design that might not otherwise be possible with conventional zoning districts...PUD's are specifically applicable...in areas having substantial or special public interest towards protecting the existing or proposed character of development, or of major scenic views of, for, or through the area (and) surrounding public or private buildings or grounds whose uniqueness or aesthetic appeal creates a substantial or special public interest.*"
- ii. Given the benefits to both the owners and the City, and the substantial public interest in protecting the character of development and aesthetic appeal in this redeveloping area, bringing additional land into a PUD District is both desirable and necessary to accomplish the City's long-range goals.

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SECTION II. That the City Council makes the following findings of fact with respect to the proposed amendments to the development regulations of PUD 06-1 pursuant to case M-21-1, said findings of fact based upon criteria found within Section 154.10.705(E) of the Zoning Code:

- a) The PUD District is in conformance with the Comprehensive Plan for the City. The amendment to the regulations of PUD 06-1 would re-name and re-brand this PUD district; would establish a single set of permitted and prohibited uses for the district; and would incorporate the design standards of the *West Central Avenue Strategic Plan* as well as the city's architectural design standards. These amendments are entirely consistent with the overarching goal of the Comprehensive Plan to elevate the appearance of the built environment and image of the city.
- b) The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under the other zoning districts. As described in Section I, the proposed uses are specifically selected to be consistent with existing and future uses and to eliminate any undesirable uses or negative external effects.
- c) The internal streets and major and minor streets that are proposed shall properly interconnect with the surrounding existing major and minor streets as designated in the official thoroughfare plan of the city. The PUD 06-1 development standards address this issue. At such future time as the property may be redeveloped, detailed site plan review by the Planning Commission will be required to ensure this condition is met.
- d) The preliminary PUD plan is consistent with the intent and purpose of this Zoning Code, to promote the public health, safety, and general welfare of the residents of the city. The proposed amendments to the PUD 06-1 development standards would enhance the use, operation, and development of district to the benefit of surrounding property owners, and would encourage economic growth to the benefit of the community.

SECTION III. That the Official Zoning Map be and hereby is amended to rezone a portion of the OD Olde Downtown District to Planned Unit Development District PUD 06-1, as reflected in Exhibit A attached hereto.

SECTION IV. That the amendments to the development regulations of PUD 06-1 be and hereby are adopted, as reflected in Exhibit B attached hereto.

SECTION V. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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SECTION VI. That this Ordinance shall take effect from and after the earliest period allowed by law.

Passed: October 26, 2021


Mayor

Attest: Tom Rully
Clerk of Council

Effective Date: November 26, 2021

CERTIFICATE

The undersigned, Clerk of Council of the City of West Carrollton, Ohio hereby certifies the Ordinance to be true and a correct copy of Ordinance _____, adopted on the _____ day of _____, 20____.

Clerk of Council

Dated: _____

EXHIBIT A

EXHIBIT A



**ORDINANCE 3711
EXHIBIT B**

**PUD 06-1
~~FRASER PAPER MILL-CENTRAL AVENUE~~
CARROLLTON CENTRE DISTRICT
PLANNED UNIT DEVELOPMENT REGULATIONS**

**As Amended By PUD 06-1 MOD 1/11
As Amended By PUD 06-1 MOD 8/21**

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 preparation of the West Central Avenue Strategic Plan in 2017 further refined the vision and plan for development of the former Fraser property as well as the historic Carrollton Centre and the surrounding properties on West Central Avenue, collectively now branded as the Carrollton Centre District. Both private and public investment in this district have already occurred, and additional investment is anticipated.

The objective of this Planned Unit Development (PUD) is to facilitate the creation of a successful, well-planned, visually appealing mixed-use project district that will complement

surrounding development and provide an attractive focal point and gateway for the community **destination to live, work, and play**, as well as **and** 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~~ **within this PUD** 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 **the** 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 between Slonaker Drive and the rail line, 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. Uses permitted on property within the PUD east of Elm Street and south of the rail line shall be limited to those permitted, conditional, and accessory uses in the M-1 Business Park District and the O-R Office Residential 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) Automobile repair garage, provided:~~
 - ~~(a) All vehicles and exterior storage are completely screened from public view by a method of screening approved by the City.~~
 - ~~(b) The use does not involve activities, processes, materials, equipment and conditions of operation that will be detrimental to surrounding property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.~~
- ~~(3) Only the following “other permitted uses” listed in the O Office or B-1 Convenience Commercial District shall be permitted as specified in 154.10.603(B):~~
 - ~~(a) Churches and other similar places of religious worship.~~
 - ~~(b) Day care facility, child day care center.~~
 - ~~(c) Dwelling, above commercial structure.~~
 - ~~(d) Financial institution without drive-in.~~
 - ~~(e) Home occupations subject to the conditions of Section 154.16.03.~~
 - ~~(f) Office—professional office/business office.~~
 - ~~(g) Parking, on-site.~~
 - ~~(h) Parkland—community parkland and public open space.~~
 - ~~(i) Recreation—community center/senior center.~~
 - ~~(j) Retail—sales and services in structures less than or equal to 10,000 s.f. in~~

gross floor area.

(k) ~~School—business trade school/technical school.~~

(l) ~~School—nursery school.~~

(m) ~~School—private school/primary school/intermediate school/secondary school.~~

(n) ~~Studio—instructional studio/commercial studio.~~

ii) ~~Uses which are specifically prohibited in this portion of the PUD:~~

(1) ~~Building and related trades, unless all exterior storage is completely screened from public view by a method of screening approved by the City.~~

(2) ~~Dwelling—Two-family.~~

(3) ~~Farming and agricultural production, and related farm uses.~~

(4) ~~Financial institution with drive-in.~~

(5) ~~Group homes (all).~~

(6) ~~The following “other permitted uses” listed in the O Office or B-1 Convenience Commercial District shall be prohibited as specified in 154.10.603(B):~~

(a) ~~Day care facility, adult.~~

(b) ~~Restaurant—fast food restaurant without drive-in.~~

(c) ~~Restaurant, sit-down.~~

(d) ~~Tavern.~~

(7) ~~Parking, commercial.~~

(8) ~~Truck stop.~~

(9) ~~Warehousing—mini-warehouses/self-service storage facilities.~~

(10) ~~Wireless telecommunications facility.~~

E. ~~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.~~

A. Principal and accessory buildings, structures or premises shall be used and buildings and structures shall be erected, altered or enlarged only for the uses listed below.

1) Accessory buildings, structures, and uses as regulated by §154.16.01.

2) Animal hospital or veterinary clinic with indoor kennels or no kennels.

3) Animal training school, domestic, indoor, so long as the applicant can demonstrate that animal waste will be accommodated to meet all requirements of the Montgomery County Health District and the City of West Carrollton Property Maintenance Code and Building Code.

- 4) Auction house, defined as a place where objects of art, furniture, and other goods and merchandise are offered for sale to persons who bid on the object in competition with each other, and that take place entirely within a building. Outdoor auctions, as well as auctions of livestock, motor vehicles, or items which are inconsistent with the purpose and objectives of the City Center District, are expressly prohibited.
- 5) Building and related trades, not involving any exterior storage areas.
- 6) Call center, defined as a company phone center that offers operator-supported voice services such as help desk, customer support, lead generation, emergency response, telephone answering service, inbound response and outbound telemarketing.
- 7) Conference center, defined as a facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, and meeting rooms. Conference centers shall not be utilized by the general public only for overnight purposes. This use shall not include institutions meeting the definition of "churches and other similar places of religious worship" as defined in Section 154.02.01, Definitions, and as prohibited in §154.10.473(B).
- 8) Day care facility – child day care center.
- 9) Dwelling – above commercial structure.
- 10) Dwelling – attached, detached, zero lot line homes and other residential uses planned and designed along the "New Urbanism" principles of compact form and architectural significance, with the density to be determined by the Planning Commission. Such residential developments shall be in close adherence and conformance to the requirements of §154.10.476(D) of these regulations. Residential developments planned and designed along conventional subdivision standards shall not be permitted.
- 11) Dwelling – multiple-family.
- 12) Financial institution with or without drive-up.
- 13) Fraternal lodges and private clubs.
- 14) Home occupations subject to the conditions of §154.16.03.
- 15) Home improvement centers.
- 16) Hospitals/urgent care centers.
- 17) Lodging – bed and breakfast establishments.
- 18) Lodging – hotels and motels.
- 19) Manufacturing – light manufacturing.
- 20) Office – professional office/business office.
- 21) Parking, on-site.
- 22) Parking, shared.
- 23) Parkland – community parkland and public open space.
- 24) Recreation – commercial recreation facilities.
- 25) Recreation – community center/senior center.

- 26) Recreation – health clubs with indoor facilities only/athletic training facilities.
- 27) Recreation – health clubs with outdoor facilities.
- 28) Recreation – private, noncommercial areas and facilities.
- 29) Recreation – theater.
- 30) Restaurant, sit-down.
- 31) Retail – sales and services.
- 32) School – business trade school/technical school.
- 33) School – nursery school.
- 34) Tavern.
- 35) Temporary food vendor Mobile Food Vendors, as provided in Section 154.16.11.
- 36) Wireless telecommunications facility.
- 37) Any other uses which are compatible with the purpose and objectives of this PUD as determined by the Planning Commission.

3. Prohibited uses.

- A. All uses not specifically listed as a permitted use in §154.10.473(A) are prohibited within this District, unless determined by the Planning Commission to be a Substantially Similar Use to any use listed in §154.10.473(A) as provided by §154.05.04(B)(2) and §154.07.01(B)(3). The following uses are expressly prohibited within this District:
 - 1) Animal hospital or veterinary clinic with outdoor kennels.
 - 2) Animal kennels, outdoor.
 - 3) Automobile – convenience drive-thru.
 - 4) Automobile – convenience market/gas station mini-mart.
 - 5) Automobile fueling station.
 - 6) Automobile washing facility, full service.
 - 7) Automobile washing facility, self service.
 - 8) Automobile – service station/repair garage.
 - 9) Automobile – painting and body shop.
 - 10) Automotive wrecking yards.
 - 11) Building and related trades, not meeting the requirements of §154.10.473(A)(4).
 - 12) Building materials – contractor storage yard.
 - 13) Building materials – sales and storage yards.
 - 14) Churches and other similar places of religious worship.
 - 15) Day care facility – adult.
 - 16) Dwelling – manufactured home/mobile home.
 - 17) Farming and agricultural production, and related farm uses.
 - 18) Funeral homes and mortuaries.
 - 19) Group Home (all).
 - 20) Junk yards.
 - 21) Lumber yards.
 - 22) Manufacturing – heavy manufacturing.

- 23) Parking, commercial.
- 24) Recreation – theater, drive-in.
- 25) Resource and mineral extraction.
- 26) Restaurant – fast food restaurant with or without drive-up.
- 27) Retail – nursery/garden center.
- 28) Sexually-oriented businesses.
- 29) Truck stop.
- 30) Vehicle sales and service – agricultural implements/marine equipment/manufactured homes/industrialized units/travel trailers/heavy trucks/recreational vehicles.
- 31) Vehicle sales and service, automobile and motorcycle.
- 32) Warehousing – mini warehouses/self-service storage facilities.
- 33) Warehousing – warehousing facility/wholesaling facility/distribution facility.
- 34) Any other uses which are not compatible with the purpose and objectives of this PUD as determined by the Planning Commission.

4. **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 uses are considered to be incompatible with the purpose and intent of this PUD.
- C. Nothing contained in this zoning code shall be construed to require any changes to be made, in the plans, construction, or designed use of any building, structure, or use on which actual construction was lawfully begun, or for which plans were officially approved by the city, prior to the date of adoption of this zoning code.
- D. 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.
- E. 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.
- F. Any nonconforming use of a building or land which has been discontinued for a period of six (6) consecutive months, shall not be recontinued or reestablished except by express

approval of the Planning Commission.

- G. 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.
- H. All questions of interpretation regarding nonconformities shall be determined by the Planning Commission in accordance with the purpose and intent of these regulations.

5. Site Design.

- A. 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.
- B. The Design Guidelines of the West Central Avenue Strategic Plan are incorporated and shall apply to development within this PUD, as supplemented by the design guidelines contained within this document.
- C. 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.
- D. Site design and building plans, designs and elevations shall be subject to review and approval by Planning Commission at Detailed Final PUD Plan stage.

6. 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 according to the provisions of Zoning Code Section 154.14.02, Access Management Requirement.

7. Building design. The following general building design principles are general guidelines for structures within the PUD:

A. Building character:

- 1) 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.
- 2) The requirements of Zoning Code Section 154.17.01, Architectural Design Standards, shall establish the minimum requirements for architectural design within this PUD.
- 3) Architectural consistency within the project and with surrounding development shall be sought.
- 4) 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:

- 1) 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.
- 2) Businesses should be designed to reinforce the pattern of small storefront divisions facing the street.
- 3) 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.

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

9. **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.

10. **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:
 - 1) All buildings should be separated by a minimum of 10 feet.
 - 2) 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. Exceptions. Exceptions to the aforementioned design standards and/or the requirements of Chapter 152: Subdivision Code, Chapter 153: Sign Code, and Chapter 154: Zoning Code 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.

18. 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 according to the requirements of Chapter 152: Subdivision Regulations prior to issuance of a zoning permit.
- E. All questions regarding interpretation of the requirements and guidelines of this PUD shall be determined by the Planning Commission in accordance with the purpose and intent of these regulations.

19. 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.

ATTACHMENT A

