

City of Loveland Planning & Zoning Commission Memorandum

DATE: December 3, 2024

TO: Commission Members

FROM: Chris Wojnicz
Assistant City Manager
Eva Wisby
Zoning & Economic Development Specialist

SUBJECT: Special Planning District Application for Traditions - Riverside Dr.

Background

An application has been submitted by Traditions Building and Development Group for a Special Planning District (SPD) to the Planning and Zoning Commission [Exhibit A]. The proposed SPD is located at 128 North Riverside Drive, specifically parcels #621-0002-0155-00 (2.107 acres) and #621-0002-0156-00 (1.75 acres) as seen in Figure #1 below. The proposed development includes twelve (12) single-family detached dwelling units (24' x 56' 3-Story Homes) with a minimum lot size of 0.114 acres or 4,966 sq. ft.



Figure 1: Location Map

Analysis

The first step in the establishment of a Special Planning District (SPD) is defined within section 1151.02(a)(2) which requires the city’s Planning and Zoning Commission to, at a regularly scheduled meeting, review plans and the general scope of the proposed project to determine if said project falls within the SPD purpose and scope.

Per Section 1151.01 of the City of Loveland Code of Ordinances, “the purpose of the SPD is to regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the current standard Zoning Ordinance, and to promote creative and sensitive site planning. It is the intent of this section to provide for a district which will permit a greater range or mixture of compatible uses in areas than would be allowable in the standard zoning classifications of this Zoning Code while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment. It is the purpose of this District to provide an effective method for the City to guide the development of such areas so as to preserve such unique characteristics or to provide for the greater range or mixture of land uses when appropriate.”

Per Section 1151.02(a)(2)(b), “If it is the determination by the Planning and Zoning Commission that the proposed SPD falls within the SPD purpose and scope as defined within section 1151.01, a motion shall be made to schedule a public hearing within 45 days of the preliminary meeting per sections 1151.07 (b) and (c) to review plan and receive public input.”

The properties in question currently have three land use designations: Parcel #621-0002-0155-00 is designated Residential Medium Density (R-MD) and Scenic Waterways – Active (SW-A). Parcel #621-0002-0156-00 is designated Office Residential (OR) and Scenic Waterways – Active (SW-A). The regulatory floodway also encompasses a portion of the eastside of the parcel.

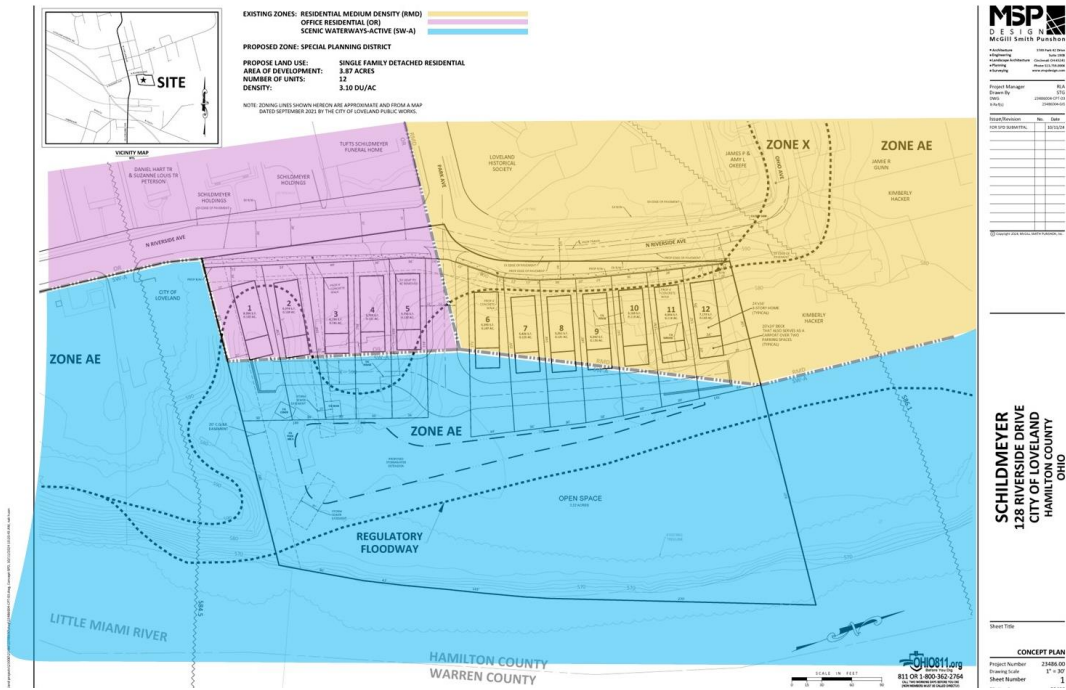


Figure 2: Zoning Map

The R-MD portion of the development is approximately 32,234 sq. ft. or 0.74 acres. Per Chapter 1156: Table of Permitted Uses, the R-MD zone permits one single-family dwelling per 21,780 sq. feet (1 home / 0.5 ac.) of lot area. Under current zoning, one (1) single family dwelling unit could be permitted in this zone. The OR District portion of development is approximately 31,799 sq. ft. or 0.73 acres. Per Chapter 1156: Table of Permitted Uses, the OR zone permits one single family dwelling unit per 7,500 sq. feet. Under current zoning, four (4) single family dwelling units could be permitted in this zone. The remainder of the development is zoned SW-A, which permits single family residential dwellings as a conditional use at one dwelling per 100,000 sq. feet.

The dwelling units are proposed to be constructed in the R-MD and OR zoned areas of the parcels with the remaining land in the SW-A District to be designated as detention, open space, common area, and accessory structure use. No development is proposed in the Regulatory Floodway. The SPD concept plan [Exhibit B], as proposed, is fairly consistent with surrounding land uses and neighboring subdivisions. The proposed SPD is surrounded by businesses directly to the west, however, as you progress down Park Avenue, single family homes on rather small lots exist transitioning into multi-family units such as MacArthur Park and 8Ninety. Single Family Residential is present to the north of the proposed development. To the south is the Loveland Veterans Memorial Park. The density of the proposed SPD would be 3.1 units/acre. The proposed SPD lot dimensions and building setbacks are as follows:

Lot Area	Lot Width	Front Yard Setbacks	Side Yard Setbacks	Rear Yard Setbacks	Height
4,500 sq. ft.	35 ft. min. (40' Proposed)	20 ft. min.	5' min.	20 ft. min.	35 ft. max.

Also provided is Chapter 1151, Special Planning District regulations [Exhibit C] as a reference to the SPD process.

Policy Options

Pursuant to Section 1151.01 (as stated above) and 1151.02(a)(2) of the City’s Planning and Zoning Code, with any SPD request the first step is that:

- A. A preliminary review meeting of the applicant with the Planning and Zoning Commission at a regularly scheduled meeting to review plans and general scope of the proposed project.
- B. If it is the determination by the Planning and Zoning Commission that the proposed SPD falls within the SPD purpose and scope as defined within section 1151.01, a motion shall be made to schedule a public hearing within 45 days of the preliminary meeting per sections 1151.07 (b) and (c) to review plan and receive public input.

Recommendation

That the Planning and Zoning Commission:

- 1. Determine if the proposed application should be initiated as an SPD and, if so,
- 2. Make a recommendation to hold a public hearing on January 7, 2025, at or around 6:00 p.m.

Attachments:

Exhibit A: SPD Application Traditions

Exhibit B: Traditions Concept Plan

Exhibit C: Chapter 1151: Special Planning District (SPD)

EXHIBIT A

6.1.a



City of Loveland
Building & Zoning
120 W. Loveland Ave.
Loveland, Ohio 45140
www.lovelandoh.gov
(O) 513-707-1450
(F) 513-583-3032

PLANNING & ZONING COMMISSION
APPLICATION FOR PRELIMINARY REVIEW
FOR ESTABLISHMENT OF AN
SPECIAL PLANNING DISTRICT

FOR CITY OF LOVELAND BUILDING AND ZONING DEPARTMENT USE ONLY:

CASE # 2403 DATE RECEIVED: 10-16-24 FEE RECEIPT # 13526 RECEIVED BY: emw

A Preliminary Review meeting of the applicant with the Planning and Zoning Commission at a regularly scheduled meeting to review plans and general scope of the proposed project.

All applications must be filed with the Building and Zoning Department. A fee of \$200.00 shall be paid in-full upon receipt of the application.

- 1. A written description detailing the present use of the property, proposed use, present zoning, proposed zoning and how it meets the purpose and scope per Section 1151.01.
2. Conceptual Development Plan showing lot dimensions and proposed structures and distances of all setback lines for proposed structures on the lot.

NOTE: THIS APPLICATION MUST BE TYPEWRITTEN OR PRINTED CLEARLY - USE ADDITIONAL SHEETS IF NECESSARY

NAME OF APPLICANT

Douglas Hinger, President Traditions Building and Development Group

ADDRESS 4000 Executive Park Drive Suite 250 CITY/STATE/ZIP Cincinnati, Ohio 45241

CONTACT NUMBER (513) 515-0361 FAX EMAIL dhinger@traditionsgroup.com

PROPERTY ADDRESS FOR EACH PARCEL WITHIN THE SUBJECT PROPERTY PLEASE PROVIDE:

Table with 3 columns: PROPERTY OWNER NAME, PROPERTY OWNER ADDRESS, PARCEL NUMBER. Rows include Schildmeyer Holdings at 128 North Riverside Drive with parcel numbers 621-0002-0155-00 and 622-0002-0156-00.

RECEIVED

OCT 16 2024

(MY) (OUR) INTEREST IN THE PROPERTY:

OWNER AGENT X LESSEE OPTIONEE

CITY OF LOVELAND
BUILDING & ZONING DEPT.

APPLICANT Signature Address 4000 Executive Park Drive, Suite 250 Cincinnati, Ohio 45241 513-515-0361 Phone Number

OWNER(S) Signature Address 129 N. Riverside Dr. Loveland, O. 45140 (513) 683-2430 Phone Number

10/15/2024

APPLICATION NARRATIVE FOR ESTABLISHMENT OF A SPECIAL PLANNING DISTRICT

128 North Riverside Drive, Loveland, Ohio

Owner: Schildmeyer Holdings

Developer: Traditions Development Group

Engineer: MSP Design

Builder: Traditions Building Group

The Owner and Developer of the Schildmeyer property located at 128 North Riverside Drive request the establishment of a Special Planning District approved by the Planning and Zoning Commission of the City of Loveland. The purpose of the Special Planning District is to regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental features which require additional protections and flexibility. In this case, the property has 540 feet of frontage along the Little Miami River that is unique and environmentally sensitive. Approximately 38% of the property, or 1.5 acres, is adjacent to the river and designated as the Regulatory Floodway. This area is shown on the Concept Plan and will be preserved with no physical development to this portion of the site except for uses permitted in the current Scenic Waterways – Active zone which will be allowed.

This unique environmental attribute, the riverfront acreage, will require ingenuity, imagination, and design effort on the part of the builder, architect, site planner and developer to produce a development on the balance of the site that is in keeping with overall land use intensity and open space objectives of the Comprehensive Plan. The proposed development will require departure from the strict application of setback and lot size requirements in the RMD code. Many of these dimensional requirements that depart from the RMD section of the zoning code can be found embodied in existing structures and properties in the immediate neighborhood.

PRESENT USE OF THE PROPERTY

The property located at 128 North Riverside Drive has been owned by the Schildmeyer family since 1953. There are two structures located on the site with the main building, a single family residence on the south parcel of the property. This has been the family home for the Schildmeyer’s since it was built in the early 1960’s. Over the years, the home was expanded, a swimming pool was added, and a separate garage was constructed on the north parcel to house a business entity. Currently, the property is not occupied on a regular basis and the outdoor property has been maintained in a very careful manner over the years as a cleared grassland with large trees spaced widely in the flood zone. In addition, the riverfront section of the property has been host to active and passive recreational activities for many years.

PROPOSED USE OF THE PROPERTY

Traditions Building and Development Group, in collaboration with the Schildmeyer Family propose a medium density residential development that will consist of 12 single family homes on separate, fee simple building lots. This will be accomplished by importing earth and raising the site under the new homes such that they are elevated above the required elevation to avoid flooding and also front on Riverside Drive, enhancing the streetscape of the neighborhood. This frontage will be pedestrian oriented as the point of entry into the homes. The resident's cars will be handled through a shared driveway at the rear of the homes on the lower basement level with each residence having two or three car garage spaces plus two additional parking spaces under the rear decks.

The Little Miami River frontage, a significant portion of the property on the east side of the site, will be preserved in its natural, maintained state and will be owned in common by the owners of the 12 building lots through a Homeowner's Association. The new homes will be consistent with traditional building forms and materials found in the neighborhood although details and fenestration will have a more modern treatment. The result will be homes that keep with the character, scale and intensity of use found within the immediate neighborhood.

CURRENT ZONING OF THE PROPERTY

Consisting of two tax parcels, the property is split by three separate zoning districts. On the west boundary, fronting Riverside Drive for an average depth of about 100', the south 280' is zoned OR – Office Residential. The northern 300' frontage along Riverside Drive, with an average depth of 100' from the street, is zoned Residential Medium and the remainder of the site, to the east which is the riverfront, is zoned Scenic Waterways Active.

PROPOSED ZONING OF THE PROPERTY

Proposed zoning embodies attributes and conditions of the RMD zone for the structures and maintains the uses currently permitted in the Floodway including Passive and Active Recreation, outdoor seating and essential utilities to allow for the normal use and enjoyment of the property. For the structures and buildings, Building Lot size is proposed as 4,500 SF minimum; minimum lot widths of 35' (the average lot width proposed is 40'); Front yard setbacks are proposed at 20' minimum and side yard setbacks are proposed at 5' minimum. These requested dimensional reductions are different than the RMD zone which stipulates half-acre building lots, 50' minimum lot width, 30' front yard setback and 15' side yard setback. The proposed building height is 35', the same as the RMD zone, and calculated as defined in the code. Many of these dimensional reductions can be found in the existing homes of the immediate neighborhood. It's also important to note that although the actual building lots are small at 4,500 SF, 55% of the entire property is open space and held in common by the owners.

EXHIBIT C

CHAPTER 1151 SPD Special Planning District

- 1151.01 Purpose and scope.
- 1151.02 Establishment of Special Planning District.
- 1151.03 Required findings of fact for the establishment of an SPD District.
- 1151.04 Required conceptual plan.
- 1151.05 Required development guidelines.
- 1151.06 Contents of applications for formal establishment of an SPD.
- 1151.07 Transmittal to Planning and Zoning Commission.
- 1151.08 Standards for Special Planning District zoning map amendments.
- 1151.09 Establishment of a Special Planning District by City Council.
- 1151.10 Designation and relationship to the Zoning Code.
- 1151.11 Preliminary development plan approval procedures.
- 1151.12 Final development plan approval procedures.
- 1151.13 Revisions to approved plans.
- 1151.14 Time limitations of approvals.
- 1151.15 Submission requirements for development plans and zone changes.
- 1151.16 Failure to begin development.
- 1151.17 Recording.
- 1151.18 Procedure for development plan and zone change review approval.
- 1151.19 Exemptions for permits in a SPD District/Subdistrict.

CROSS REFERENCES

District established - see P. & Z. 1123.01

1151.01 PURPOSE AND SCOPE.

The purpose of the Special Planning District (SPD) is to regulate the development and use of property in areas throughout the City that contain sensitive or unique environmental, historic, architectural, or other features which require additional protections and flexibility not provided through the application of the current standard Zoning Ordinance, and to promote creative and sensitive site planning. It is the intent of this section to provide for a district which will permit a greater range or mixture of compatible uses in areas than would be allowable in the standard zoning classifications of this Zoning Code while also requiring features that protect against negative impacts of incompatible land uses or harm to the environment. It is the purpose of this District to provide an effective method for the City to guide the development of such areas so as to preserve such unique characteristics or to provide for the greater range or mixture of land uses when appropriate. (Ord. 2007-46. Passed 6-12-07.)

EXHIBIT C

1151.02 ESTABLISHMENT OF SPECIAL PLANNING DISTRICT.

The establishment of an SPD shall be as follows:

- (a) Initiation for establishment of an SPD. The initiation for the establishment of an SPD may be in one of the following ways:
 - (1) By adoption of a motion by Council for the Planning and Zoning Commission recommendation;
 - (2) By adoption of a motion by the Planning and Zoning Commission through the following steps:
 - (1) A Preliminary Review meeting of the applicant with the Planning and Zoning Commission at a regularly scheduled meeting to review plans and general scope of the proposed project.
 - (2) If it is the determination of the Planning and Zoning Commission that the proposed project may fall within the SPD purpose and scope as defined within section 1151.01, it shall set a public hearing within forty-five (45) days of the preliminary review meeting per sections 1151.07 (b) and (c) to review conceptual plans and garner public input.
 - (3) Within thirty (30) days of the Public Hearing, the Planning and Zoning Commission shall either:
 - 1. Vote to adopt a motion recommending the initiation of the SPD to City Council
 - 2. Vote to continue the review of the SPD
 - 3. Vote not to recommend the initiation of the SPD
 - (4) The formal action of the Planning and Zoning Commission shall be forwarded to City Council within thirty (30) days.
- (b) Once initiated, the following are the action steps for the establishment of a SPD:
 - (1) City Council shall set a public hearing per sections 1151.07 (a) and (b) to consider adoption of a resolution adopting a concept plan, development guidelines, and a written finding of fact per Section 1151.03. Once City Council has approved a concept plan and development guidelines for an SPD by resolution, the formal process of establishing and amending the zoning text and map to create an SPD may occur in Section 1151.07
 - (2) Planning and Zoning must hold a public hearing and consider a formal zoning text and map change per Section 1151.07.

Once a recommendation is made by Planning and Zoning, City Council shall hold a public hearing and consider the recommendation of the Planning and Zoning Commission regarding the formal zoning text and map change per Section 1151.09.

When City Council approves the zoning text and zoning map amendment, the property owner or developer may submit preliminary plats to Planning and Zoning for review per Section 1151.11. (Ord. 2007-46. Passed 6-12-07.) (Ord. 2018-76. Passed 7-24-18)

1151.03 REQUIRED FINDINGS OF FACT FOR THE ESTABLISHMENT OF AN SPD DISTRICT.

In order for Council to adopt an SPD, it must first make written findings that one or more of the following conditions exist, or will exist, within the proposed SPD:

- (a) A concentration of retail and service oriented commercial establishments serving as a principal business activity center for the community.
- (b) Land that is occupied by substantial natural characteristics worthy of preservation or which are historic aids to the identification of residential communities which help residents relate to their communities and to relate the social organization of communities to their physical environments.
- (c) Lands which permit for ingenuity, imagination, and design efforts on the part of builders, architects, site planners, and developers that can produce residential

EXHIBIT C

developments which are in keeping with overall land use intensity and open space objectives of the Comprehensive Plan while departing from the strict application of use, setback, height, and minimum lot size requirements contained in the Zoning Code. (Ord. 2007-46. Passed 6-12-07.)

1151.04 REQUIRED CONCEPTUAL PLAN.

For each specific SPD established by the City, a separate conceptual development plan and development guidelines shall be created and adopted by Council, following the procedures set forth in this chapter. A conceptual development plan shall be drawn to a scale of a minimum of one (1) inch equals one hundred (100) feet and shall include the following as a minimum:

- (a) Legal Description or Survey;
- (b) Circulation - circulation systems identifying all major pedestrian and vehicular ways;
- (c) Land use - shall include schematic presentation of basic land uses and their relationship to existing vegetation, topography, and other natural usual aspects of the site including descriptions of proposed uses in the non-residential portions of the site;
- (d) Density - indicating the net density of areas under review and an indication of the type(s) of structure(s);
- (e) Transition - including descriptions of how transitions will be accomplished between the SPD District and adjacent districts, i.e., buffers and access. Plan must include adjoining property.
 - (1) The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate drawing or plan for each element is not required, but may be provided at the option of the applicant.
 - (2) The development guidelines and standards for each specific SPD shall include those features as identified in Section 1151.05 of this Zoning Code.
- (f) Uses within each of the SPD districts shall be depicted on the approved conceptual development plan for that particular SPD. The Conceptual Development Plan may be divided into subdistricts and may contain provisions for the following:
 - (1) Principal permitted uses,
 - (2) Accessory uses,
 - (3) Conditional uses, and
 - (4) Special exceptions.

Council has the authority to regulate the location, size, and intensity of such uses where deemed appropriate. (Ord. 2007-46. Passed 6-12-07.)

1151.05 REQUIRED DEVELOPMENT GUIDELINES.

Council will adopt guidelines for development in the Special Planning District area. Such guidelines will be incorporated into the Conceptual Development Plan or will be contained in a separate written text. The following list is to be used as a guide, but is not necessarily inclusive of all requirements. Council will add or omit requirements to meet the needs of each SPD.

- (a) Location, size, orientation, and shape of buildings,
- (b) Building materials and appurtenances,
- (c) Parking,
- (d) Signs,
- (e) Exterior renovation or altering of an existing structure,
- (f) Demolition,
- (g) Landscaping and buffers,
- (h) Environmental and natural resource protection,
- (i) Erosion and sedimentation control,
- (j) Vehicular and pedestrian circulation,
- (k) Outdoor lighting,
- (l) Minimum lot area,

EXHIBIT C

- (m) Minimum lot frontage,
 - (n) Minimum lot width,
 - (o) Minimum front yard setback,
 - (p) Minimum side yard setback,
 - (q) Minimum rear yard setback,
 - (r) Maximum height of structures (principal and accessory),
 - (s) Accessory use structures shall be located in the rear yard only and shall meet the following conditions:
 - (1) For all lots less than one acre, accessory structures shall have an average height of no greater than fifteen (15) feet and shall be limited to six hundred (600) square feet, or 35% of the required rear yard, which ever is less.
 - (2) For all lots one acre or greater, accessory structures shall have an average height of no greater than fifteen (15) feet and shall be limited to six hundred and one (601) to twelve hundred (1,200) square feet, or 35% of the required rear yard, which ever is less. For any accessory use structure greater than six hundred (600) square feet, the applicant must receive a conditional use approval pursuant to the procedures in §1111.06 of this Zoning Code.
 - (3) All accessory use structures greater than two hundred (200) square feet shall not be constructed with a metal facade and shall be complimentary to the principle structure on the property.
 - (4) Accessory use structures two hundred (200) square feet or less in size shall be located no closer than six (6) feet from any lot line. Accessory use structures over two hundred (200) square feet shall be located no closer than fifteen (15) feet from any lot line.
 - (5) Accessory use structures located on property with access to two or more streets shall be adequately screened to reduce the visual impacted to the surrounding homes.
 - (t) Other requirements:
 - (1) Maximum floor area ratio,
 - (2) Minimum floor area (square feet),
 - (3) Maximum lot coverage (percentage),
 - (u) Minimum living area (square feet),
 - (v) Site access,
 - (w) Site screening,
 - (x) Dumpsters,
 - (y) Open space, and
 - (z) Density.
- (Ord. 2007-46. Passed 6-12-07.)

1151.06 CONTENTS OF APPLICATIONS FOR FORMAL ESTABLISHMENT OF AN SPD.

Once City Council adopts a resolution per Section 1151.02(b)(1), the property owner, the property owner’s agent or the City must attest to the truth and exactness of all information supplied in the application provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. At a minimum the application shall contain the following information:

- (a) Name, address and phone number of applicant;
- (b) Proposed amendment to the text or a survey of the property proposed to be rezoned;
- (c) Present use;
- (d) Present zoning district;
- (e) Proposed use including any plans that the applicant has developed;
- (f) Proposed SPD zoning district;
- (g) A vicinity map at a scale of not less than one (1) inch equals one hundred (100) feet showing property lines, streets, existing and proposed zoning existing use of all buildings and the principal use of all properties within 300 feet of such land and such other items as the Zoning Administrator may require and;

EXHIBIT C

- (h) A fee as established by Council.
(Ord. 2007-46. Passed 6-12-07.)

1151.07 TRANSMITTAL TO PLANNING AND ZONING COMMISSION.

Following the adoption of a resolution Section 1151.02(b)(1) by City Council for consideration of a Zoning Code text and map amendment for an SPD, the resolution including written findings of fact, a concept plan and development guidelines, and an application shall be transmitted to the Planning and Zoning Commission. At the time that the City Council findings and guidelines are received by the Planning and Zoning Commission, a presentation by the applicant shall be made to introduce the requested zone change to the Planning and Zoning Commission and to allow for an exchange of information to clarify the nature of the proposed SPD.

- (a) Public hearing by Planning and Zoning Commission. The Planning and Zoning Commission shall hold a public hearing to consider the zoning text and map amendment for the creation of an SPD.
- (b) Notice of Public Hearing in Newspaper. Before holding the public hearing provided for in Section 1151.07(a), notice of such hearing shall be given by publication of a notice in a newspaper of general circulation in the city at least once, ten days prior to the meeting. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment. When the proposed action has been initiated by the City of Loveland, the City of Loveland shall at its cost provide the publication of the notice. When the proposed action has been initiated by a party other than the City of Loveland, the initiating party shall provide at its cost the publication of said notice and shall provide, on or before the date of the hearing, an affidavit confirming compliance with the provisions of this section, which affidavit shall have attached thereto a "proof of publication" form provided by the publishing newspaper.
- (c) Written Notice. Written notice of the public hearing referenced in Section 1151.07(a) shall be provided to the owners of the real property within the area of the proposed SPD and to the owner or owners within three hundred feet (300') in any direction of the boundaries of the proposed SPD. For the purposes of this section, the words "owner and owners" shall mean those persons appearing on the County's current tax duplicate as the owner or owners of fee simple title to the said real properties. Such written notice shall be provided at least ten (10) days prior to the date of the hearing by hand delivery, or by posting same by prepaid ordinary U.S. Mail, at the address listed upon the said tax duplicate for each such owner. The written notice shall contain the same information as required of notices published in newspapers as specified in Section 1151.07(b). When the proposed SPD has been initiated by the City of Loveland, the City shall provide at its cost the hand or postal delivery provided hereinabove. When the proposed SPD has been initiated by a party other than the City of Loveland, the initiating party shall provide at its cost the hand or postal delivery provided hereinabove and shall file with the Planning and Zoning Commission on or before the date of the said hearing an affidavit confirming compliance with the provisions of this Section. The failure to hand deliver or mail the notice provided by this section shall not, however, invalidate any action of the Planning and Zoning Commission and/or City Council on the said SPD. (Ord. 2007-46. Passed 6-12-07.)

1151.08 STANDARDS FOR SPECIAL PLANNING DISTRICT ZONING MAP AMENDMENTS.

Recommendations made only by the Planning and Zoning Commission shall be considered for zoning map amendments. All recommendations by the Planning and Zoning Commission for Zoning Map amendments for an SPD shall be consistent with the City of Loveland's adopted plans, goals, and policies and with the intent of this Code.

- (a) Prior to making a recommendation on a proposed rezoning, the Planning and Zoning Commission shall make a finding to determine if the following conditions

EXHIBIT C

exist. No rezoning of land shall be approved prior to specific documents finding at least one (1) of the following:

- (1) There has been a change in demand for land which alters the information upon which the zoning map is based.
 - (2) A study indicates that there has been an increase in the demand for land in the requested SPD, and as a result, the supply of land within the City of Loveland mapped as such on the zoning map, is inadequate to meet the demands for such development.
 - (3) Proposed uses cannot be accommodated by sites already zoned in the City due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - (4) There is an error in the Code text or Zoning Map as enacted.
 - (5) The proposed development, based on the land practice is well suited for an SPD.
- (b) No residentially zoned district shall be rezoned to a non-residential SPD district unless such proposed rezoning site is contiguous to land in the proposed zoning district classification, unless the property to be rezoned to a SPD is in the process of being annexed, joined or merged with the City of Loveland, in which case the requirements of Section 1123.07 shall apply.
 - (c) In addition to the findings required to be made by subsection (b) hereof, findings shall be made by the Planning and Zoning Commission on each of the following matters based on the evidence presented:
 - (1) The extent to which the proposed amendment and proposed use are in compliance with and deviate from adopted plans, goals and policies.
 - (2) The suitability of the property in question for the uses permitted under the proposed zoning.
 - (3) The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
 - (4) The effect of the proposed rezoning on surrounding uses.
 - (5) The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the City.
 - (d) The Planning and Zoning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the application.
 - (e) The Planning and Zoning Commission shall make a recommendation as to the regulations of a specific zoning district or districts which shall be applicable to the proposed said SPD in the event that the SPD is silent on specific point or points.
 - (f) After the close of the public hearing provided for in Section 1151.07(a), the Planning and Zoning Commission shall recommend to Council, in a time period no longer than thirty five (35) days, that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend the amendment not be granted. The Planning and Zoning Commission shall transmit its recommendation to Council.
(Ord. 2007-46. Passed 6-12-07.)

1151.09 ESTABLISHMENT OF A SPECIAL PLANNING DISTRICT BY CITY COUNCIL.

Upon receipt of the recommendation from the Planning and Zoning Commission, Council shall schedule, hold and close a public hearing.

- (a) Notice of the public hearing shall be given by publication of a notice in a newspaper of general circulation in the city. Such notice shall be published at least ten (10) days before the date of the public hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. When the proposed action has been initiated by the City of Loveland, the City shall at its cost provide the publication of the said notice. When the proposed action has

EXHIBIT C

been initiated by a party other than the City of Loveland, the initiating party shall provide at its cost the publication of the said notice and shall provide, on or before the date of the hearing, an affidavit confirming compliance with the provisions of this section, which said affidavit shall have attached thereto a "proof of publication" form provided by the publishing newspaper.

- (b) Written notice of the City Council public hearing shall be provided to the owner or owners of the real property within the area of the proposed SPD and to the owner or owners within three hundred feet (300') in any direction of the boundaries of the proposed SPD. For the purposes of this section, the words "owner" and "owners": shall mean those persons appearing on the County's current tax duplicate as the owner or owners of fee simple title to the said real properties. Such written notice shall be provided at least 10 days prior to the date of the hearing by hand delivery, or by posting same by prepaid ordinary U.S. Mail at the address listed upon the said tax duplicate for each such owner. The written notice shall contain the same information as required of notices published in newspapers as specified in Section 1151.09(a). When the proposed SPD has been initiated by the City, the City shall provide at its cost the hand or postal delivery provided hereinabove. When the proposed SPD has been initiated by a party other than the City of Loveland, the initiating party shall provide at its cost the hand or postal delivery provided hereinabove and shall file with the Clerk of Council on or before the date of the said hearing an affidavit confirming compliance with the provisions of this Section. The failure to hand deliver or mail the notice provided by this Section shall not, however, invalidate, any action of the City Council on the said SPD.
- (c) Upon completion of the public hearing, City Council may approve or disapprove the recommendation of Planning and Zoning Commission by a simple majority. Council may modify the recommendation of Planning and Zoning Commission by a 3/4 majority vote. Final action on the amendment must be taken within thirty-five days of the close of Council's public hearing; failure to take action within such change to thirty-five period shall constitute disapproval. (Ord. 2007-46. Passed 6-12-07.)

1151.10 DESIGNATION AND RELATIONSHIP TO THE ZONING CODE.

- (a) The SPD District shall be designated by the abbreviation "SPD" followed by a number specific to the designation on the Official Zoning Map of the City. All property so classified is subject to the provisions of this Section and an adopted ordinance pursuant to this Chapter.
- (b) The requirements for each SPD District shall be adopted as appendices to the Zoning Code and shall, upon its effective date, supersede any conflicting requirements of this chapter. Where an SPD requirement is silent on a specific point, the appropriate sections of the Zoning Code shall apply. All Preliminary and Final Development Plans approved under the Planned Unit Residential Development regulations are adopted, along with all conditions of approval, as Preliminary or Final Development Plans pursuant to this Chapter. (Ord. 2007-46. Passed 6-12-07.)

1151.11 PRELIMINARY DEVELOPMENT PLAN APPROVAL PROCEDURES.

- (a) Application for approval of a preliminary development plan shall be made to the Planning and Zoning Commission.
- (b) If the preliminary development plan is not found to be in compliance with the conceptual development plan by the Planning and Zoning Commission, the applicant may go to City Council for a new conceptual development plan, in which case the procedures set forth in Section 1151.04 and Section 1151.15 of the Zoning Code shall be followed.
- (c) Preliminary Plan. The Planning and Zoning Commission shall have the authority to extend the thirty-five days review period for an additional thirty five days to properly and

EXHIBIT C

thoroughly review the preliminary plan. (Ord. 2007-46. Passed 6-12-07.)

1151.12 FINAL DEVELOPMENT PLAN APPROVAL PROCEDURES.

(a) Application for approval of a Final Development Plan shall be made to the Planning and Zoning Commission. The Planning and Zoning Commission shall approve or disapprove the request within thirty-five days if the final plan is determined by the Planning and Zoning Commission to be in conformance with the approved.

(b) If the Final Development Plan is not found to be in compliance with the Preliminary Development Plan by the Planning and Zoning Commission, the applicant may go to City Council for a new Conceptual Development Plan or resubmit a new Final Development Plan, in which case the procedures set forth in Section 1151.04 and Section 1151.15 of the Zoning Code shall be followed. (Ord. 2007-46. Passed 6-12-07.)

1151.13 REVISIONS TO APPROVED PLANS.

After the final development plan has been approved by the Commission, the following provisions will apply to any changes made to that plan:

- (a) Minor Revisions. Adjustments or minor rearrangements of buildings, parking areas, loading areas, entrances, heights of structure or yards may be authorized by the Planning and Zoning Commission; and
- (b) Substantial Variations. New plans, additional buildings or structures, changes in land use density increases shall be resubmitted pursuant to the same process as a final development plan. (Ord. 2007-46. Passed 6-12-07.)

1151.14 TIME LIMITATIONS OF APPROVALS.

It is the intent of this Section to establish the time period of validity for an approved plan for modification or construction delay where applicable.

- (a) Zoning: Once an SPD District is created, it may only be changed through the Zoning Code provisions for a zone change.
- (b) Conceptual Development Plan: If preliminary development plan approval has not been requested within twelve (12) months of conceptual plan approval, such conceptual approval shall lapse, unless a written request is approved by the Planning and Zoning Commission. If approved, the time may be extended for an additional 12 months.
- (c) Preliminary Development Plan: If final plan approval has not been requested within twelve (12) months of preliminary plan approval, such preliminary approval shall lapse, unless a written request is approved by the Planning & Zoning Commission. If approved the time may be extended for an additional 12 months
- (d) Final Development Plan: If no construction has begun pursuant to an approved Final Development plan within twelve (12) months after it is approved by the Planning and Zoning Commission, the Final Development plan approval shall lapse. An extension of time may be authorized by the Planning and Zoning Commission for good cause, not to exceed twelve (12) months. (Ord. 2007-46. Passed 6-12-07.)

1151.15 SUBMISSION REQUIREMENTS FOR DEVELOPMENT PLANS AND ZONE CHANGES.

(a) Preliminary Development Plan: Preliminary Development Plans shall be drawn to a scale of a minimum of one (1) inch equals fifty (50) feet and shall be in conformity to the conceptual development plan and shall include the following as a minimum: (NB: This is code adoption compliance)

- (1) Area - The total area in the project;
- (2) Zones - The present zoning of the subject and all adjacent properties;
- (3) Rights-of-way and easements - Shall include all public and private rights-of-way and easements located on or adjacent to the subject property which are proposed to be continued, created, enlarged relocated, or abandoned;

EXHIBIT C

- (4) Topography - Existing and proposed topographical changes shown by contour lines with intervals not to exceed five (5) feet;
- (5) Non-Residential Uses - Delineation of all existing and proposed non-residential structural uses on the property:
 - A. Commercial - location and types of all uses including approximate number of acres, gross floor area, and heights of buildings, and
 - B. Open Space and Recreation - the approximate amount of area proposed for common open space including the location of recreational facilities and identification of unique natural features to be retained, and descriptive data as to the methods to be employed for continuity and maintenance, and
 - C. Other Public and Semi-Public Uses - location and types of all uses, including approximate number of acreage and heights of buildings;
- (6) Pedestrian Circulation - location of proposed pedestrian walkways, bikeways;
- (7) Streets - location of proposed streets, identifying approximate dimensions of pavement, right-of-way width and grades;
- (8) Utilities Available - certification from appropriate water, sewer, gas and electric agencies that adequate services will be available at the expected time of development;
- (9) Soil Types - identification of soil types and geologic formation on the subject property, indicating anticipated problems and proposed methods of handling said problems;
- (10) Other - other information which may be deemed necessary for description and/or to insure proper integration of the proposed project in this area;
- (11) Parking and loading - general size and location of parking and loading facilities;
- (12) General description of the availability of other existing community facilities, such as schools, fire and police protection services, and cultural facilities, if any, and how these facilities are affected by this proposal; and
- (13) Development Schedule - a schedule of development, including staging and phase of:
 - A. Public Facilities - streets, utilities and other public facility improvements in order of priority;
 - B. Dedication - dedication of land to public use or set aside for common ownership; and
 - C. Buildings - buildings and uses.

(b) Final Development Plan: The Final Development Plan shall be drawn to a scale of one (1) inch equals fifty (50) feet and shall be in conformity with the Preliminary Development Plan and shall include the following as a minimum:

- (1) Topography - the existing and proposed finished topography of subject property shall be shown by contours with intervals as determined by the Planning and Zoning Commission at the preliminary plan approval;
- (2) Buildings - location, height, schematic, elevation, arrangement and identification of all buildings and uses on the subject property and, where applicable, location and arrangement of all lots with lot dimensions shall be provided;
- (3) Open space and recreation - location and arrangement of all common open space areas and recreational facilities, including lot dimensions. Methods of ownership and operations and maintenance of such lands shall be identified;
- (4) Landscaping - landscaping features including identification of planting areas, species and size of plants and the location, type, and height of walls and fences shall be provided;
- (5) Signs - location of signs indicating their orientation, lighting, size and height in enough detail to assure reasonable compatibility throughout the

EXHIBIT C

- project;
- (6) Utilities - all utility lines and easements shall be provided/identified:
 - A. Water - water distribution systems, including pipe size, width of easement, type of pipe, location of hydrants and valves, and other appurtenances;
 - B. Sanitary Sewers - sanitary sewer system, including pipe size, gradients type of pipes, invert elevations, location and type of manholes, width of easements, the location, type, size and capacity of all lift or pumping stations;
 - C. Stormwater Detention - a system of stormwater control for runoff and detention for both before and after construction; and
 - D. Other utilities - other utilities such as electric, telephone, cable television, etc., including the type of service and the width or easements shall be provided;
- (7) Parking and Loading - location of all off-street parking, loading and/or unloading, and driveway areas, including cross sections, the type of surfacing, dimensions, and the number and arrangements of off-street parking, and loading/unloading spaces shall be identified;
- (8) Circulation System - location of proposed and existing pedestrian and vehicular systems shall be identified;
 - A. Pedestrian - pedestrian walkways, and bikeways including alignment, grades, type of surfacing and width; and
 - B. Streets - public and private streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross section.
- (9) Exterior lighting;
- (10) If record title of ownership is changed for all or any property within the tract of land proposed for the development, the records of the Planning and Zoning Commission and related documents shall be amended to reflect such changes before maps and documents are given final approval;
- (11) Development Schedule - a schedule of development, including the staging or phasing of:
 - A. Streets - streets, utilities and other public facility improvements, in order of priority;
 - B. Public/Common Area - dedication of land to public use or set aside for common ownership;
 - C. Buildings - buildings and uses, in order of priority of construction;
 - D. Recreation, open space; and
 - E. Deeding of property to the City.

The aforementioned information may be combined in any suitable and convenient manner that clearly represents the required data. Specific submission requirements may be waived by the Planning and Zoning Commission if the requirements are judged inappropriate for the particular situation. (Ord. 2007-46. Passed 6-12-07.)

1151.16 FAILURE TO BEGIN DEVELOPMENT.

(a) If no construction has begun in the development within one (1) year from the date of approval of the final development plan for the overall project or for any part thereof, the approval shall lapse and be of no further effect, unless a written request is approved by the Planning & Zoning Commission. If approved the time may be extended for an additional twelve months.

(b) A percentage, as determined by the Planning and Zoning Commission, of the total construction cost must be expended to define the start of the development. This percentage will be provided within thirty days upon request by the applicant. (Ord. 2007-46. Passed 6-12-07.)

EXHIBIT C

1151.17 RECORDING.

Upon approval of the final development plan by the Planning and Zoning Commission, the applicant shall cause the terms and conditions of the approval to be recited in a recordable instrument, approved as to form by the Law Director. The recordable instrument shall recite that the conditions of the Special Planned District are covenants that run with the land and are enforceable by the City. The Law Director shall cause such terms and conditions to be recorded with Hamilton County, Clermont County, or Warren County Recorder's Office, depending on the location of the property. The costs of recording shall be borne by the applicant. No building permit will be issued until such time as the terms and conditions are recorded pursuant to this section. (Ord. 2007-46. Passed 6-12-07.)

1151.18 PROCEDURE FOR DEVELOPMENT PLAN AND ZONE CHANGE REVIEW APPROVAL.

No building permit shall be issued nor any plans be approved for zoning compliance for real estate in any of the SPD Districts/subdistricts unless permitted under exemptions or a Preliminary and Final Development Plan, as defined and as governed by the procedures contained in this section are approved as being in compliance with the approved Conceptual Development Plan and associated standards and requirements contained or referenced in this section or corresponding appendix. Submission of a Preliminary Development Plan may be made for all or a portion of a tract covered by the existing conceptual development plan. Simultaneous submission of a Preliminary Development Plan and a Final Development Plan is not permitted. (Ord. 2007-46. Passed 6-12-07.)

1151.19 EXEMPTIONS FOR PERMITS IN A SPD DISTRICT/SUBDISTRICT.

Unless specifically addressed in the SPD, the following must only meet the requirements of the Zoning Code or other applicable codes as adopted by the City.

- (a) Any permit for interior alterations,
 - (b) Any permit for mechanical or electrical systems,
 - (c) Any permit for the construction or repair of fences,
 - (d) Any permit necessary for the alteration or construction of signs,
 - (e) Any permit for exterior renovations,
 - (f) All permits for demolition or wrecking, and
 - (g) Other exemptions allowed in the creation of specific SPD Districts.
- (Ord. 2007-46. Passed 6-12-07.)