



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

June 12, 1990

Mayor
Steven Lankenau

Mr. Tom Williams
Glenwood Estates Mobile Home Park
Township Road 14-B
Napoleon, Ohio 43545

Members of Council
James Hershberger, President
Terri A. Williams
John E. Church
Randy J. Bachman
Matthew G. Gloor
Robert G. Heft

Re: Proposed Sales Lot
Continental Estates

Dear Tom:

Per my conversation with you last week, enclosed please find the following:

- 1) Plan Sheet showing the Park in its entirety which we are asking you to sketch your proposed layout.
- 2) An Application For Public Hearing with the pertinent data highlighted.

City Manager
Terry Dunn

Finance Director
Rupert W. Schweinhagen

Law Director
Michael J. Wesche

I talked with Roger Freytag (Zoning Administrator) and he has indicated that a Special Use Permit will be required. If you have any questions, please call Roger and he will assist you.

Prosecuting Attorney
Thomas L. Blischoff

In addition, if you can sketch your intentions on the attached Plan Sheet, we will be able to expedite these matters.

If you have any questions, please call.

Respectfully,
Marc S. Gerken
Marc S. Gerken, P.E. ^{SKW}
City Engineer

cc: Roger Freytag

MSG:skw

APPLICATION FOR PUBLIC HEARING
PLANNING COMMISSION
CITY OF NAPOLEON, OHIO

TO: Department of Building and Zoning
FOR: Chairman and members of Planning Commission

I/We hereby request a hearing before the Planning Commission for the purpose of considering the following: (check the item (s) applicable).

<u>REQUEST</u>	<u>FILING FEE</u>
<input type="checkbox"/> SUBDIVISION OF PROPERTY	\$65 + \$4 per lot if more than 2 lots
<input type="checkbox"/> SPECIAL USE PERMIT	\$50.00
<input type="checkbox"/> CONDITIONAL USE PERMIT	\$50.00
<input type="checkbox"/> AMENDMENT/REZONING*	\$100.00
* Ordinance Required	

Legal Description of Property:

Brief Description of Request:

The premises proposed for action is in the _____ zoning district.

Note: 1. All petitions require a minimum of 15 days notice for Public Hearing.

The owners of the premises are: Name _____
(Legal or beneficial owner)

Address _____

Phone _____

This application is filled on behalf of the owner by:

Name _____

Address _____

Phone _____

Sec. 151.39 "PB" PLANNED BUSINESS DISTRICT

This District is designed to encourage well-planned business uses, particularly with respect to unified design, safe ingress and egress, adequate and properly located parking and service facilities along with convenient and safe pedestrian accessibility.

(A) GENERAL PROVISIONS

- (1) The conduct of permitted uses herein shall be within completely enclosed buildings.
- (2) Property used for permitted business uses abutting property in any residential district, shall be provided with a green belt or planting area at least 20' in width along the property line or property lines which abutt the residential zoned property. A planting screen, consisting of suitable shrubbery shall be provided and maintained within such planting to provide a tight screen, effective at all times of the year. The planting shall be of such size and density in side and rear yards so that it will reach a height of not less than 5' and provide the required tight-screening effect, not later than one year after planting. The maximum planting height at the front street frontage shall be 3' 0".
- (3) Business uses comprising more than one building on a premises, or more than three permitted uses within one building will not be permitted, except by special use as provided in Section 151.44.
- (4) Entrances and exits serving permitted uses shall be so located to minimize any adverse effect on adjacent property or the public street. Not more than two driveways with an aggregate maximum width of 30' at the property line shall be permitted unless the area served exceeds 2 acres and the use of the premises has been approved through the special or conditional use process.
- (5) Outside storage including continued storage of automobiles, trucks or trailers is not permitted except by special use.

(6) Property used for permitted business uses shall be provided with a green belt or planting area at least 10 feet in width on side and rear property lines. A similar area not less than 20' wide shall be provided at front property lines. Shrubs or decorative planting at front property line shall not exceed 3' 0" in height.

(7) Off-street parking spaces and accessory uses such as filling station pumps and islands, signs and light standards and access drives may be located in the required front yard, but not within twenty (20) feet of the front lot line. Said strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.

(B) PERMITTED USES

- (1) Accessory building incidental to and on the same lot as the principal use.
- (2) Antique shop.
- (3) Automobile, truck or trailer rental and sales.
- (4) Automobile and truck repair.
- (5) Bakery.
- (6) Bank (branch).
- (7) Barber shop.
- (8) Beauty shop.
- (9) Bowling alley.
- (10) Building material yard.
- (11) Contractor office and shop.
- (12) Department store.
- (13) Dressmaking shop.
- (14) Drug store.
- (15) Engineering or research laboratory.
- (16) Flower shop.
- (17) Grocery store.
- (18) Hardware or paint store.
- (19) Home appliance repair.
- (20) Hotel or motel.
- (21) Indoor theatre.
- (22) Jewelry store.
- (23) Kennel.
- (24) Laundry and cleaner.
- (25) Lumber yard.
- (26) Millwork shop.
- (27) Motor bus or railroad passenger station.
- (28) Newsdealer.
- (29) Newspaper publishing.
- (30) Office building (professional business).
- (31) Photographic studio.

- (32) Postal station.
- (33) Radio and television studios.
- (34) Recreational facilities.
- (35) Restaurant.
- (36) Shoe repair shop.
- (37) Signs as set forth in Section 151.50.
- (38) Special or conditional uses (151.44 and 151.47).
- (39) Stationer.
- (40) Tailor shop.
- (41) Variety store.
- (42) Veterinary hospital for small animals.
- (43) Warehouse.
- (44) Wholesale establishment.

(C) MINIMUM LOT SIZE

	<u>Area</u>	<u>Width</u>
(1) Business use	6,000 Sq. Ft.	60 Ft.
(2) Industrial use	40,000 Sq. Ft.	100 Ft.
(3) Planned Apartment Development	3,600 Sq. Ft./ Dwelling Unit	Planning Comm. To Determine

(D) MINIMUM SETBACK LINES

(1)	<u>Front</u>	<u>Side</u>	<u>Rear</u>
	40 Ft.*	10 Ft.	10 Ft.

*80 Ft. if premises abutts Federal or State Highway.

(E) MAXIMUM HEIGHT OF BUILDINGS

- (1) Principal use - 45 Ft.
- (2) Accessory use - 18 Ft.

(F) MAXIMUM LOT COVERAGE

- (1) All uses - 60%

(G) OFF-STREET PARKING AND LOADING

- (1) As set forth in Section 151.49.

(H) SIGNS

- (1) As set forth in Section 151.50.

2. A site plan indicating the arrangement and location of buildings, uses proposed, open space and landscaped area, pedestrian walkways, parking and loading spaces and facilities and other special features of the development plan.
 3. Architectural elevations and perspective drawings of all proposed structures and improvements.
 4. A landscape plan, including a comprehensive drainage plan.
 5. Ownership declaration shall be filed with the Zoning Administrator. If the Planned Cluster Development premises is proposed to be in condominium ownership, articles of incorporation and declaration of covenants and restrictions shall be examined and evaluated by the Planning Commission, in terms of statement of purpose, standards and requirements contained therein, and shall be recommended to the City Council for approval, only after a determination has been made that the proposed development does in fact serve such purpose and comply with such standards and requirements.
- b. The Planned Cluster Development shall be examined and evaluated by the Planning Commission in terms of the statement of purpose contained herein, and may be recommended for approval only after a determination has been made that the proposed development does in fact serve such purpose.

Sec. 151.46 CONDITIONAL USE PROCEDURES

(A) PURPOSE

The development and execution of this chapter is based upon the division of the community into districts, within which the use of land and buildings, and the bulk and location of buildings are substantially uniform in each district. It is recognized, however, that there are certain structures which because of their unique design or purpose cannot be included in the regulations of a district. It is also recognized that the unique character of some business ventures cannot be included.

within the normal district regulations. It is the purpose of this chapter to provide conditions upon which unique uses or structures shall be controlled in order to provide them with an area which is economically feasible and still compatible with neighboring properties.

(B) EXISTING CONDITIONAL OR CONTINGENT USES

The regulations described in Section 151.43(B) shall apply to this conditional use section.

(C) APPLICATION FOR CONDITIONAL USE PERMIT

The procedures set forth in Sec. 151.43(C) shall be the procedures of this conditional use section.

(D) HEARING ON APPLICATION FOR CONDITIONAL USE PERMIT

The procedures set forth in Sec. 151.43(D) shall be the regulations of this conditional use section.

(E) FINDINGS OF FACT AND RECOMMENDATIONS OF THE PLANNING COMMISSION

The Planning Commission shall make written findings of fact and shall submit same together with its recommendation to the City Council after the close of the hearing on a conditional use. The Planning Commission's report to the City Council shall indicate the vote of each member present and shall contain a statement or reasons why a member or members did not vote in favor of a recommendation. No conditional use shall be recommended by the Planning Commission unless the Commission finds that:

- (1) The establishment, maintenance or operation of these conditional uses will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
- (2) The conditional use will not be injurious to the use and enjoyment or lawfully used property in the immediate vicinity or substantially diminish or impair property value within the neighborhood.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) The exterior appearance and functional plan of the conditional use will not be detrimental to the appearance and functional plan of any structures already in the immediate area, or with the character of the zoning district.

- (5) Adequate utilities, access roads, drainage, water, sewer and other environmental facilities have been or are being provided for the conditional use project.
- (6) Adequate measures have been or will be taken to provide ingress and egress to the premises so designed as to minimize traffic congestion in the public street.
- (7) The conditional use shall conform to the applicable regulations of this section.

(F) CONDITIONS

The Planning Commission may recommend such conditions or restrictions upon the construction, location, use and operation of a conditional use, as shall be deemed necessary to secure the general objectives of this chapter and maintain the value of property in the neighborhood.

(G) ACTION BY THE CITY COUNCIL

The procedures set forth in Section 151.43(G) shall be the regulations of this conditional use section.

(H) EFFECT OF DENIAL OF A CONDITIONAL USE PERMIT

The procedures set forth in Section 151.43(H) shall be the regulations of this conditional use section.

(I) REVOCATION OR EXPIRATION OF CONDITIONAL USE PERMIT

The procedures set forth in Section 151.43(I) shall be the regulations of this conditional use section.

Sec. 151.47 CONDITIONAL USES

Within zoning districts noted, the following conditional uses may be permitted.

(A) USES REQUIRING CONDITIONAL USE PERMIT

- (1) Mobile home parks shall be considered in the "C" Residential, "Planned Business" and "I-1" zoning district.
- (2) Junkyards shall be considered in the "I-2" Industrial District.
- (3) Accessory outdoor storage in the "I-1" Industrial District.
- (4) Uses listed as conditional uses in the "F.P." Flood Plain District.