

CHAPTER 1292  
Planned Development Interchange Commercial Overlay District

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CROSS REFERENCES

Division of municipal corporation into zones - see Ohio R.C. 713.06  
 Notice and hearing on municipal zoning regulations - see Ohio R.C. 713.12  
 Effect of zoning on laws and charters - see Ohio R.C. 713.14  
 Retroactive zoning ordinances prohibited - see Ohio R.C. 713.15  
 Landscaping and environmental preservation - see P. & Z. Ch. 1280  
 Off-street parking - see P. & Z. Ch. 1282  
 Signs - see P. & Z. Ch. 1284  
 Nonconforming uses - see P. & Z. Ch. 1286  
 Wireless telecommunications facilities - see P. & Z. Ch. 1288  
 Supplementary regulations - see P. & Z. Ch. 1290

**1292.01 INTENT AND PURPOSE.**

(a) The Village has some areas of undeveloped land and areas of possible future re-development of land adjacent to Interstate Route 480 or the interchange of Granger Road and I-480. Development of these lands may require special consideration due to the impact of the interstate highway, type of the development proposed, or the size of the area to be developed. The Planned Development Interchange Commercial Overlay District is hereby established to achieve among others, the following objectives:

- (1) To insure compatibility with surrounding development;
- (2) To provide for an acceptable transition between commercial and residential land areas; and
- (3) To provide for a compatible mixed-use development.

(b) The Planned Development Interchange Commercial Overlay District may assist in accomplishing these objectives by change of zoning. The Planning Commission and Village Council shall designate, regulate and restrict the location, design and use of buildings, structures and interior streets; promote high standards of external appearance of buildings and grounds; establish a development pattern which preserves and utilizes natural topography, scenic vistas, trees and other vegetation and prevents disruption of natural drainage patterns and minimize disruptions to flow of traffic on adjacent thoroughfares.

(c) The Planned Development Interchange Commercial Overlay District shall provide the Village and the developer a method of comprehensively planned development for certain lands that could not readily be accomplished through the planning criteria established for other zoning districts.  
(Ord. 4-2008. Passed 2-5-08.)

### **1292.02 PERMITTED USES.**

A change in zoning to a Planned Development Interchange Commercial Overlay District shall be initiated, in writing, by the landowner or developer under contract with the landowner. Subsequent to Section 1292.05, the landowner or developer may request one of the following uses as permissible for a Planned Development Interchange Commercial Overlay District subject to Building and Zoning Code and those special provisions as may be recommended by the Planning Commission and approved by Council.

- (a) Professional, business, financial, sales and governmental offices;
  - (b) Full service restaurants;
  - (c) Retail sales and services, businesses and establishments;
  - (d) A combination of the uses specified in subsections (a), (b), and (c) immediately above, which may be combined to form an appropriate mixed-use development.
- (Ord. 4-2008. Passed 2-5-08.)

### **1292.03 CONDITIONAL USES.**

The following uses may be permitted as conditional use within a Planned Development Interchange Commercial Overlay District provided that such use is approved pursuant to Chapter 1286:

- (a) Gasoline stations and service stations;
  - (b) Fast food, quick service or similar food services establishments; and
  - (c) Convenient stores, whether free standing or ancillary to a gasoline station or service station.
- (Ord. 4-2008. Passed 2-5-08.)

### **1292.04 PROHIBITED USES.**

The following uses are prohibited in a Planned Development Interchange Commercial Overlay District:

- (a) Adult entertainment business;
  - (b) Hotels and motels;
  - (c) Junk yards or wrecking yards;
  - (d) Trailer storage, warehousing or mini-storage facilities; and
  - (e) Industrial facilities.
- (Ord. 4-2008. Passed 2-5-08.)

### **1292.05 PLANNING CRITERIA.**

(a) The Planned Development Interchange Commercial Overlay District can only be applied and used for the development of real property located at or near adjacent to Interstate Highway 480 as shown on Annex 1 attached hereto and made a part hereof.

(b) Planning criteria specific to each requested Planned Development Interchange Commercial Overlay District including but not limited to building and parking setbacks, maximum building area, minimum unencumbered yard area, building height, parking and loading, and sign regulations shall be consistent with those as contained in the zoning district for each proposed use, except as provided in

subsection (c) below, unless specifically otherwise recommended as a deviation by the Planning Commission and approved by Village Council.

(c) Unless specifically otherwise recommended by the Planning Commission and approved by the Village Council, a development within a Planned Development Interchange Commercial Overlay District shall comply with the following requirements:

- (1) A single retail business use shall not occupy more than 50,000 square feet of ground floor area;
- (2) The building size, parking and lot area for any full service restaurant shall be established by the Village Council, acting in its administrative capacity;
- (3) Retail business use or uses shall not comprise more than 50% of the total building floor areas of any single development plan;
- (4) A single overlay development area shall not be less than two contiguous acres; and
- (5) A wall of seven to ten feet, constructed using materials approved by the Village Council, acting in its administrative capacity shall be required along any portion of the proposed development and any abutting residential zoned properties or existing residences.
- (6) Subject to all other state and Village legal requirements, the sale of liquor or alcoholic beverages shall be permitted within restaurants and other retail establishments within the Planned Development Interstate Commercial Overlay District if and as shown on an approved General Plan. The sale of liquor and other alcoholic beverages is prohibited in all zoning districts, except the Planned Development Interstate Commercial Overlay District.

(Ord. 4-2008. Passed 2-5-08.)

#### **1292.06 GENERAL DEVELOPMENT PLAN.**

The Planned Development Interchange Commercial Overlay District shall be controlled by the General Development Plan ("General Plan") which shall be detailed in a document containing the following information:

- (a) A plat indicating the location and boundaries of the proposed Planned Development Interchange Commercial Overlay District;
  - (b) A general development plan containing:
    - (1) The location size, height, orientation and intended uses of the buildings;
    - (2) The proposed system of circulation for all vehicular and pedestrian traffic;
    - (3) The arrangement and layout of all off-street parking areas and facilities;
    - (4) A storm water management and retention plan and related engineering calculations; and
    - (5) The location and use of any business establishment or restaurant for which liquor or alcoholic beverages will be sold and the type of liquor license or permit that will be required for that business or restaurant.
  - (c) A buffering plan for the protection of any abutting residential properties;
  - (d) A landscape plan; and
  - (e) Other planning criteria, conditions, and limitations as requested by the Planning Commission.
- (Ord. 4-2008. Passed 2-5-08.)

**1292.07 PLANNING AND ORGANIZATION.**

The Planned Development Interchange Commercial Overlay District shall initially be an area of a totally planned development project under one development organization or entity. This organization shall be responsible for initiating the change in zoning which shall require all of the following:

- (a) Submission of the request for a change in zoning according to the requirements of Chapter 1262 (Amending Procedures);
- (b) Establishment and approval of an overall General Development Plan; and
- (c) Preparation of all submissions required under this chapter.  
(Ord. 4-2008. Passed 2-5-08.)

**1292.08 EVALUATION BY PLANNING COMMISSION; REPORT AND RECOMMENDATION TO COUNCIL.**

(a) The Planning Commission shall evaluate the General Plan and issue a written report to Council containing in its report and recommendation with respect thereto. The developer shall provide to the Planning Commission the following:

- (1) An engineer's survey of the property, including topography, and indicating the ownership and acreage of the area proposed for development;
- (2) A professionally prepared traffic study assessing the traffic impact of the proposed development on the subject site and surrounding street systems;
- (3) A professionally prepared noise study assessing any noise impact on surrounding properties.

(b) The Planning Commission shall include the above survey and studies in their evaluation and recommendations of the General Plan to Council.

(c) If the Planning Commission finds that the General Plan and supporting data are in accordance with the provision and intent of this chapter and other applicable provision of this Zoning Code and other ordinances of the Village, it shall approve the General Plan and recommend to the Council that the specific property set forth in such plan be developed for Planned Development Interchange Commercial Overlay District. If the recommendation to Council is that the General Plan be modified or disapproved, the report to Council shall state the findings of any failure of compliance with this chapter, other provisions of this Zoning Code or other ordinances of the Village and the reasons for such modification or disapproval.  
(Ord. 4-2008. Passed 2-5-08.)

**1292.09 ACTION BY COUNCIL.**

After receipt of the recommendation by the Planning Commission, Council shall either approve, disapprove or modify the General Plan. Council may approve, modify or disapprove any report of the Commission by a majority vote of its members.  
(Ord. 4-2008. Passed 2-5-08.)

**1292.10 APPROVALS.**

(a) The General Plan shall be submitted and received simultaneous with the request for a change of zoning, but approval and granting of any conditional use permit shall only become effective upon the effective date for the approval of the change of zoning.

(b) If the General Plan is approved by Council, the Council shall proceed with the procedures for rezoning the property to Planned Development Interchange Commercial Overlay use. This Overlay Zoning shall supercede the underlying zoning classification of the property, but the underlying zoning classification shall remain effective, subject to this chapter.

(c) Any requested modification or amendment to the General Plan or Final Development Plan involving a use permitted by Section 1292.02 shall be considered an administrative action. Such requested modification or amendment shall be submitted to the Council for its administrative review and action. Council in its administrative capacity, shall approve, modify or disapprove such request for modification or amendment, provided that Council's decision shall be supported by a preponderance of the probative and reliable evidence in the record of Council's proceedings. Any request or amendment to the General Plan or Final Development Plan involving any use not permitted by Section 1292.02 or as a conditional use in Section 1292.03 shall require a change in zoning, requiring full compliance with this chapter and the other applicable provisions of the Zoning Code.

(Ord. 4-2008. Passed 2-5-08.)

#### **1292.11 FINAL PLANS AND BUILDING PERMITS.**

(a) At any time within one year after Council's approval of the General Plan, the developer may file with the Council a final plan which shall include a final development plan, building construction drawings, landscape and final site engineering improvements. If the Council finds that the final plan is in accordance with the approved General Plan and any conditions thereon, and is otherwise in accordance with all applicable ordinances, it shall approve such plan. Thereafter, the developer may apply for and be granted building permits after compliance with the regular procedures of the Village, and after compliance with all applicable ordinances and the payment of the required fees.

(b) For any such final plan or portion thereof, the developer must provide a proposed building construction schedule for the final plan or portion thereof he intends to proceed with which will demonstrate achievement of the proportionality set forth in this chapter. Such schedule, upon approval by Council, shall be adhered to by the developer unless Council subsequently allows for modifications of the schedule.

(Ord. 4-2008. Passed 2-5-08.)

#### **1292.12 VARIANCES.**

The Planning Commission may, in specific cases, with the approval of Council vary or permit exceptions to any of the provisions of this chapter if it finds that such variance or exception will not violate the spirit or intent of this chapter and that a more harmonious and useful development will result.

(Ord. 4-2008. Passed 2-5-08.)

#### **1292.13 TERMINATION OF ZONING AND DEVELOPMENT PLAN APPROVALS.**

The change of zoning to a Planned Development Interchange Commercial Overlay District shall be void and the land shall revert to the underlying zoning district classification if:

(a) A Final Development Plan consistent with the approved General Plan is not submitted to the Village within one year from the date of approval of the change of zoning unless an extension is granted by Council before the expiration of the one year period; and

- (b) A building permit has not been issued within one year after approval of the Final Development Plan or the building permit expires without commencement of construction, unless an extension is granted by Council before such expiration.  
(Ord. 4-2008. Passed 2-5-08.)