

CHAPTER 1152 Overlay Districts

1152.02 LIMITED (L) OVERLAY DISTRICT.

(a) Purpose. The Limited Overlay District is created as an alternative response to those situations where the minimum development standards of an underlying zoning district are deemed inadequate to protect or maintain compatibility of land uses.

The Limited Overlay District is intended for restricted use where special circumstances or conditions fail to protect affected land uses.

The limitations placed within the Limited Overlay District to a property or properties shall apply to all parcels zoned under the Limited Overlay District and shall be deemed appropriate by the City where such limitations protect and preserve the welfare of the general public.

It is intended that an applicant for rezoning may voluntarily seek to commit the subject property and its owner to limitations and conditions not otherwise provided by the existing or proposed underlying zoning classification, or even any other zoning classification, by the establishment of a Limited Overlay.

This chapter provides the means to modify the application of the provisions of an underlying zoning district to a particular parcel or parcels by:

- (1) Limiting the permitted uses;
- (2) Increasing one or more of the minimum development standards; and
- (3) Adding conditions for items not covered by the minimum development standards, or any of the above.

All standards of the underlying zoning district shall be applicable unless specifically superseded by the Limited Overlay in the ordinance establishing same for the subject parcel or parcels.

(b) Applicable Zoning Districts. The Limited Overlay District may be used ~~only~~ in combination with all **ZONING DISTRICTS OTHER THAN SINGLE FAMILY RESIDENTIAL** the following underlying zoning districts:

- ~~(1) Suburban Office and Institutional District (SO);~~
- ~~(2) Neighborhood Commercial District (NC);~~
- ~~(3) Community Commercial District (CC);~~
- ~~(4) Community Service District (CS);~~
- ~~(5) Olde Gahanna District (OG);~~
- ~~(6) Office, Commerce & Technology District;~~
- ~~(7) Multi Family Residential District (AR).~~

(c) Application. Any person or persons desiring the establishment of a Limited Overlay District on any lot or lots proposed to be rezoned shall file an application in conformance with Chapter 1133 of the Planning and Zoning Code and Article XI of the City Charter.

(d) Development Plan. In addition to filing such application, the applicant shall provide a signed and dated development plan composed of the text and a site plan(s) for the Limited Overlay proposed, setting out the means for addressing the above stated purpose and specifically identifying the following:

- (1) Any limitation to be imposed on the normal range of permitted uses by the underlying zoning district;

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- (2) Any increase in a minimum development standard for the underlying zoning district;
- (3) Any additional limitation or condition to be imposed and enforced; and
- (4) The intended result to be obtained by any limitation or condition set out pursuant to the above.

The minimum standards of the underlying zoning district shall govern unless the development plan approved by Council specifically stipulates a more stringent standard. Such development plan shall be used only to increase standards and shall in no way be used or construed so as to grant a variance from or to decrease standards or requirements of the underlying zoning district.

The development plan shall set out each characteristic of the proposed limitations and conditions and shall be referenced in the body of the ordinance establishing a Limited Overlay for the subject parcel or parcels.

A final development plan that is in basic conformance with the approved development plan must be submitted in accordance with the provisions of Chapter 1108.

(e) Permitted Uses. Within a Limited Overlay District, the premises and/or buildings thereon shall only be used for any one or more of the uses permitted by the underlying zoning classification, unless the normal range of permitted uses is specifically limited by the development plan. If the development plan has a more restricted list of uses, then the development plan shall prevail. Conditional uses of the underlying zoning classification shall be considered permitted uses of the development plan only if those uses are specifically listed in the text of the development plan.

(f) Development Standards. Any use of a lot subject to a Limited Overlay shall meet or exceed each minimum development standard of the underlying zoning classification and other provisions of the Planning and Zoning Code unless more limited standards are specifically identified in the Limited Overlay development plan referenced in the ordinance passed by Council, in which event such more limited standards shall apply as promoting and maintaining the necessary uniformity of City planning.

The Limited Overlay standards shall comply with the following criteria:

- (1) Reasonably related to planning guidelines and/or to the accomplishment of specified goals;
- (2) Fair, protecting the legal rights for those affected;
- (3) Understandable for those in the marketplace; and
- (4) Simple for effective interpretation and enforcement by the City.

There is no minimum or maximum size required for a parcel to be subject to a Limited Overlay except that the limitations thereof shall apply to the entire tax parcel and such Limited Overlay shall include at least one tax parcel. An application may include more than one tax parcel provided that all parcels in a specific application are contiguous to each other. Parcels separated only by a public right-of-way shall be considered contiguous.

(g) Conditions and Limitations. Any use on a parcel subject to a Limited Overlay shall conform to each condition or limitation specifically identified and imposed in the development plan referenced in the ordinance passed by Council.

(h) Amendment. All general procedures required for amending or determining a zoning designation shall be applied to an amendment of any Limited Overlay permitted use, development standard, condition or limitation.

(i) Map Designation. Upon the establishment of a Limited Overlay on a particular parcel by ordinance of Council, the zoning map shall be amended to indicate that the parcel is subject to a Limited Overlay and its development plan by the addition to the appropriate initial and a hyphen, that is, "L-" preceding the symbolic designation of the underlying zoning district.

(j) Effect of the Approved Development Plan. A development plan approved hereunder shall be binding upon the applicant and the applicant's heirs, successors and assigns and shall limit and control the issuance or validity of any zoning certificate subject, however, to any valid and reasonable use of legislative authority in zoning regulations thereafter. The site plan for such certificate shall clearly indicate each condition and limitation of the approved development plan. Minor changes in the approved development plan may be made at the time of final development plan in accordance with the provisions of Chapter 1108.
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