

**APPLICATION TO
PLANNING COMMISSION / COUNCIL**

Project _____ Date: _____
Location/Address _____
Applicant _____ Ph: _____
Address _____ Fax: _____
_____ Email: _____

Nature of Request (check appropriate sections):

- _____ Subdivision (Ch 1210-1216, GCO) \$125.00
 - _____ Conceptual plan review (1213.02)
 - _____ Preliminary Plat approval (1213.03, 1216.01)
 - _____ Final Plat approval (1213.04, 1216.02)
 - _____ Record Plat approval by Council (1213.06)

- _____ Lot split (Minor Subdivision, 1211.08) \$15.00 per created lot
\$30.00 MINIMUM

- _____ Rezoning (Ch 1244, GCO) \$125.00
 - Current Zoning Classification _____
 - Current Use _____
 - Proposed Zoning Classification _____
 - Proposed Use _____

- _____ Application for Conditional Use (Ch 1250, GCO) \$125.00
- _____ Application for Site Plan Review (Ch 1248, GCO) \$125.00

Please include maps, legal descriptions, and any other information which might be helpful during the review process.

If you are unfamiliar with submission requirements relative to your request, please ask for a copy of the appropriate Codified Ordinance requirements.

Fee must be paid at the time of application submission.

Applicant's Signature _____

**Village of Grafton, Ohio
Ph: 440-926-2401
Fax: 440-926-9018**

CHAPTER 1250

Conditional Uses

- [1250.01](#) Purpose.
- [1250.02](#) Application for a conditional use permit.
- [1250.03](#) Standards applicable to conditional uses.
- [1250.04](#) Supplementary conditions and safeguards.
- [1250.05](#) Public hearing notice.
- [1250.06](#) Notice to parties of interest.
- [1250.07](#) Expiration of conditional use permit.

CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.

Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10

Nonconforming uses - see P. & Z. [Ch. 1252](#)

Districts generally and Zoning Map - see P. & Z. [Ch. 1254](#)

General district regulations - see P. & Z. [Ch. 1287](#)

Signs and outdoor advertising - see P. & Z. [Ch. 1288](#)

Off-street parking and loading - see P. & Z. [Ch. 1290](#)

1250.01 PURPOSE.

It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses are classified as “conditional uses” in each zoning district, and because of their special nature, may be permitted according to procedures outlined in this chapter.

(Ord. 01-014. Passed 7-17-01.)

1250.02 APPLICATION FOR A CONDITIONAL USE PERMIT.

An application for a conditional use permit shall be filed with the Responsible Authority by at least one owner or lessee of property for which such conditional use is proposed. The Planning Commission, with the consent of Council, or Council without the consent of the Planning Commission, may grant conditional use permits for certain uses which are not permitted by right under the Zoning Code. At a minimum, the application shall contain the following information:

- (a) Name, address, phone number, and fax number of applicants.
- (b) Legal description of property.
- (c) Description of existing use.
- (d) Present zoning district.
- (e) Description of proposed conditional use.
- (f) Twelve copies of the plan (scale 1 inch = 100 feet) of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the Commission or Council may require to determine if the proposed conditional use meets the intent and requirement of this Zoning Code.
- (g) A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, flashing lights, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Comprehensive Plan.
- (h) Such other information as may be required.
- (i) Names and addresses of all owners of record of abutting parcels.

(Ord. 01-014. Passed 7-17-01.)

1250.03 STANDARDS APPLICABLE TO CONDITIONAL USES.

In addition to the specific requirements for conditionally permitted uses, the Planning Commission and Village Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (a) Must be, in fact, a conditionally permitted use in the zoning district where the permit is sought.
- (b) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's Comprehensive Plan and/or the Zoning Code.

(c) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

(d) Will not be hazardous or disturbing to existing or future neighboring uses.

(e) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(f) Will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

(g) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

(h) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public streets or roads.

(i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(Ord. 01-014. Passed 7-17-01.)

1250.04 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.

In granting any conditional use, the Planning Commission with the consent of Council or Council without the consent of the Planning Commission may prescribe appropriate other conditions and safeguards in conformity with this Zoning Code. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Code and punishable as allowed in Section [1242.13](#).

1250.05 PUBLIC HEARING NOTICE

(a) Public Hearing. The Planning Commission or Council shall hold a public hearing within 35 days from the receipt of the properly completed application for a conditional use.

(b) Notice. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Village at least ten days before the date of such hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed conditional use.

(Ord. 01-014. Passed 7-17-01.)

1250.06 NOTICE TO PARTIES OF INTEREST.

Before holding the public hearing, notice of such hearing shall be mailed by the Responsible Authority of the Planning Commission by first-class mail, at least ten days

before the day of the hearing, to all abutting property owners. The notice shall contain the same information as required of notices published in newspapers as specified in Section [1250.05](#).

(Ord. 01-014. Passed 7-17-01; Ord. 12-025. Passed 5-1-12.)

1250.07 EXPIRATION OF CONDITIONAL USE PERMIT.

A conditional use permit shall become null and void if construction of the proposed use, or the proposed use for which a conditional use permit has been granted, has not begun within one year after approval by Council. The Responsible Authority may revoke a conditional use permit upon finding that the use does not comply with the conditions and safeguards established for such use pursuant to Section [1250.03](#). Upon revocation of a conditional use permit, all uses shall conform to the standards and requirements of permitted main and accessory uses established by the zoning district. A conditional use permit shall be deemed to authorize only one particular conditional use and such permit shall automatically expire without notice if, for any reason, the conditional use shall cease for more than six months.

(Ord. 01-014. Passed 7-17-01.)

(Continued to Chapter 1248)

CHAPTER 1248

Site Plan Review Procedures

- [1248.01](#) Conditions for review.
- [1248.02](#) Procedure for site plan review.
- [1248.03](#) Access control requirements.
- [1248.04](#) Traffic impact study.
- [1248.05](#) Enforcement.

CROSS REFERENCES

- Division of municipal corporations into zones - see Ohio R.C. 713.06
- Restrictions on location, bulk and height of buildings and structures - see Ohio R.C. 713.07 et seq.
- Restrictions on percentage of lot occupancy and setback building lines - see Ohio R.C. 713.09
- Basis of districting or zoning; classification of buildings or structures - see Ohio R.C. 713.10
- Zoning Inspector - see ADM. [Ch. 242](#)

1248.01 CONDITIONS FOR REVIEW.

(a) Site plan review shall be required in any district where the construction, alteration, expansion of any principal/accessory structure, results in the enlargement of a parking area by five or more spaces in areas designated for multi-family, commercial, or industrial use. Nor shall any premises be used for, or change its use to any of the above or related uses unless preliminary and final development plans for such building, structure, or premises have been submitted to the Planning Commission for review and recommendation to Village Council and final approval by the Council.

(b) This section shall not apply to the erection, construction, alteration, or use of any single-family dwelling.

(Ord. 01-014. Passed 7-17-01.)

1248.02 PROCEDURE FOR SITE PLAN REVIEW.

Formal submission and approval of a site plan is required before any zoning permit may be issued. Submission and approval of a site plan includes following the review procedures and submission requirements defined herein. An applicant seeking site plan approval shall follow the preliminary and final review process for site plan review as defined in this chapter. For developments also requiring conditional use approval, the procedure established in [Chapter 1250](#) shall be followed. The Planning Commission and/or Village Council may concurrently address the issue of site plan approval and

consider a recommendation on a conditional use approval, and in such case, the approval of the site plan shall be contingent upon conditional use approval.

If a variance is required, the applicant shall be required to seek a variance in accordance with [Chapter 1246](#) before submitting plans for formal site plan approval in accordance with this chapter.

(a) Optional Concept Review. At any time prior to the formal submission and review of a site plan, an applicant may engage the Planning Commission and/or Council in an optional concept review process. In order to receive this review, the applicant shall submit a sketch site plan to the Planning Commission and/or Council. The applicant shall be required to submit the sketch plan at least 14 days before the next scheduled monthly meeting in order to be placed on the agenda for review. The purpose of such a sketch site plan is to provide an opportunity to conceptually discuss a proposed development, and to provide general guidance to assist in the preparation of a formal site plan. There are no applied standards to the site sketch plan. However, the applicant is encouraged to provide enough detail in order to be able to accurately represent the concept. All comments and suggestions shall be considered informal by the applicant and shall not be a binding agreement with the Planning Commission and/or Council for approval. This concept review is a service provided to benefit the applicant, and formal site plan approval is dependent upon the outcome of the preliminary plan review and final site plan review described herein.

(b) Preliminary Plan Review. The applicant shall be required to submit a plan for preliminary site plan review. In order for the application to be deemed complete, the application form, application fees, and 12 copies of the plan shall be submitted to the Responsible Authority at least 14 days before the next regularly scheduled monthly meeting in order to be considered for placement on the agenda for review. If the applicant fails to provide a complete application as described herein, the Responsible Authority shall notify the applicant promptly of the missing items. An additional fee may be required to defray the expenses associated with the Village review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

(1) Required information. A site plan shall be prepared at a scale of 1 inch equals 20 feet (developments more than 5 acres may be drawn at a scale of 1 inch equals 50 feet), on standard 24-inch by 36-inch sheets, with narrative on 8 1/2-inch by 11-inch sheets as necessary. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Minimum information to be provided in the site plan drawing includes:

A. The location of the proposed development in relation to existing community facilities, thoroughfares, and other transportation modes, shopping centers, manufacturing establishments, residential development; and existing natural features such as vegetation, general soil conditions, and topography in the neighboring area.

B. Applicable zoning district/proposed zoning district.

C. Width and names of public rights-of-way that are adjacent to the site and/or will be used for access.

D. The layout and acreage of the site and proposed location of all uses, along with parking areas, and planned access and traffic circulation on the site, and planned changes that will take place in any existing public right-of-way.

E. The location of all existing and proposed buildings structures on and adjacent to the site.

F. The location of utilities, if available, and the location and size and capacity of the sewer and water lines that are proposed to serve the development.

G. The scale, title, a north arrow, and date of submission.

H. Name, address, phone number, and fax number of all applicants and their representatives.

I. Adjoining land uses and zoning.

(2) Responsible Authority review. The Responsible Authority shall review the application for compliance to all applicable sections of this Zoning Code, based on the information provided in the application. If the Responsible Authority finds that the plan will not comply with this Zoning Code, the Responsible Authority shall notify the applicant of the discrepancies of the site plan. If the applicant disagrees with the Responsible Authority's decision or chooses to seek a variance, he or she can appeal to the Board of Zoning and Building Appeals for such relief, as described in [Chapter 1246](#) as a separate process. Submission of the preliminary site plan to the Planning Commission shall not be permitted unless the Responsible Authority determines that the plans are in compliance with this ordinance, or an appeal or variance has been granted from the Planning Commission.

(3) Planning Commission/Village Council review. The Responsible Authority shall forward the preliminary application to the Planning Commission for review and discussion, after determining that the application is complete and the applicant complies with this Zoning Code, based on the information required and provided at this stage of review. Within 60 days of receipt of the preliminary application and plan from the Responsible Authority, the Planning Commission shall meet and shall consider the proposed site plan and make a recommendation to Council according to the following criteria:

A. The adequacy of the information presented to determine the impacts of the proposed site.

B. The impacts of the proposed development compared with the following standards:

1. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

2. Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.

3. Services. Reasonable demands placed on Village services and infrastructure.

4. Pollution control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface water and groundwater. This includes controlling soil erosion both during and after construction.

5. Nuisances. Protection of abutting properties from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, storm water runoff, etc.

6. Existing vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.

7. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside planting, and the retention of other green areas.

8. Community character. The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding landscape.

(4) Final Action of the Preliminary Site Review. Council, within 30 days of receipt of the Planning Commission's recommendation on the preliminary site plan shall grant either:

A. Approval to prepare the site plan for Final Plan Review, in accordance with all applicable regulations and developmental requirements imposed by this Zoning Code.

B. Approval to prepare the site plan for Final Plan Review, conditional to incorporation of all conditions as set forth by the Planning Commission and any additional conditions set forth by Council, and all applicable regulations imposed by this Zoning Code.

(c) Final Site Plan Review procedure. The applicant shall prepare the final site plan in accordance with any conditions set by the Planning Commission and Council in the preliminary review and all other applicable sections of this Zoning Code. All applicants are required to follow final site plan review procedures before receiving final approval of site plans and approval for a zoning permit. All applicants shall be required to submit a completed application, a final site plan (12 sets), and an application fee to the Responsible Authority 14 days before the next regularly scheduled meeting in order to be placed on the agenda for review. An additional fee may be required to defray the expenses associated with the Village review of the plans, including the need to retain a registered professional engineer, architect, or landscape architect, or other professional consultant to advise the Village on any or all aspects of the site plan.

(1) Final site plan content. Site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. A site plan shall be prepared at a scale of 1 inch equal 20 feet (developments more than five acres may be drawn at a scale of 1 inch equal 50 feet) or as determined by the Village Engineer, on standard 24-inch by 36-inch sheets, with narrative on 8 1/2-inch by 11-inch sheets as necessary. All site plans shall be prepared by a registered professional engineer, architect, or landscape architect. Items required for submission include:

A. Name of the project, boundaries, and location maps showing the site's location in the Village, date, north arrow, and scale of the plan.

B. Name, address, phone number, and fax number of the owner of record, developer, engineer, architect, landscape architect, and seal of the engineer, architect, or landscape architect who prepared the site plan.

C. The legal description of the site that will be developed.

D. Existing or proposed deed restrictions or covenants associated with the development.

E. Names and addresses of all owners of record of abutting parcels and those within 100 feet of the property lines.

F. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, and abutting land uses.

G. The location and use of all existing and proposed buildings and structures within the development including building footprints, overhangs, site coverage, building-ground contact, and area. A brief description of the use of the site shall be included with an estimate of the number of employees.

H. All dimensions of height and floor area, and showing all exterior entrances.

I. Illustrations of traffic movement, ingress and egress, and the location of all present and proposed public and private drives, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences.

J. Illustrations of the proposed changes in any public right-of-way, and typical pavement sections and plans showing other improvements, including new streets and infrastructure to be constructed for the development which shall be dedicated to public use.

K. The location, height, intensity, lighting pattern, and bulb type (e.g., fluorescent, sodium, incandescent) of all external lighting fixtures.

L. The location, height, size, materials, and design of all proposed signage.

M. The location of all present and proposed utility systems, including sewage or septic systems, water supply system, telephone, cable and electrical systems and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales, detention areas, and storm system design calculations.

N. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

O. Existing and proposed topography upon and within 75 feet of the site at a 1-foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the 100-year floodplain, the area will be shown, and base flood elevations given. If the area is not located within the 100-year floodplain, this fact shall be noted on the plan.

P. A landscape plan showing all existing natural land features, trees, forest cover, and water resources, and all proposed changes to these features, including size and type of plant material. Water resources will include ponds, lakes, streams, wetlands, floodplains, and drainage retention areas.

Q. For new construction or alterations to any existing building, a table containing the following information must be included:

1. Area of building to be used for a particular use such as retail operation, office, storage, etc.

2. Maximum number of employees.

3. Maximum seating capacity, where applicable.

4. Number of parking spaces existing and required for the intended use.

5. A complete set of building drawings and plans as approved by the State Certified Building Department.

(2) Responsible Authority review. The Responsible Authority shall review the application for compliance to all applicable sections of this Zoning Code, and all previous conditions imposed by the Planning Commission and Council in the preliminary review. Such review shall be based on the information provided by the applicant. If the Responsible Authority finds that the plan will not comply with this Zoning Code or the applicant has not met all previous conditions as stated in the preliminary review, the Responsible Authority shall notify the applicant of the discrepancies of the site plan. Final review of the site plan by the Planning Commission and Council shall not be permitted unless the applicant complies with this Code and any prior conditions established as a result of the preliminary review.

A. Notification of adjoining property owners. Within five days following the determination that the application is complete, notices of the meeting to be held by the Planning Commission and Council on the proposed development may be sent, by first-class mail, to all owners of record of abutting parcels and those within 100 feet of the property lines.

B. Within 30 days of receipt of an accurate and complete final plan from the Responsible Authority, the Planning Commission shall make a recommendation to Council.

C. Council, within 60 days of receiving The Planning Commission's recommendation, shall grant either:

1. Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and the plan meets all standards set forth in this Zoning Code and agreements during the preliminary review process.

2. Approval of the site plan subject to any additional conditions, modifications, and restrictions as required to ensure that the project meets the standards for review. If the site plan is approved subject to conditions, the Responsible Authority shall not issue a permit until the site plan has been redrawn and resubmitted and checked for compliance with the imposed conditions.

(Ord. 01-014. Passed 7-17-01; Ord. 029. Passed 12-20-05; Ord. 12-024. Passed 5-1-12.)

1248.03 ACCESS CONTROL REQUIREMENTS.

General standards for parking areas, circulation, and access shall be incorporated as part of the site plan, as set forth in [Chapter 1290](#). As part of the site plan review process, access shall be reviewed relative to the distance from other drive approaches and from roadway intersections. The preferred method of providing access to parcels is to minimize or eliminate driveways by using service roads, rear access roads, or shared driveways. The Planning Commission and/or Council may, as part of the site plan review process, require that driveways be moved, combined, re-aligned, or eliminated to reduce the potential for accidents.

(a) Conditional Approval of Driveways. As part of the site plan review process, Council may approve a site plan with a specific driveway location, with the condition that an agreement be first entered into between the property owner and the Village requiring that if a service road is constructed in the future, or if the opportunity for a shared driveway should present itself with development of adjacent property, one or more approved driveways shall be closed and measurements taken to utilize such service road or shared drive. Approval of driveways may also include restrictions on turning movements, locations, or other requirements to ensure safe and efficient traffic movement.

(b) Construction and Use of Service Roads. When a service road is required, such improvement shall be constructed by the developer of the involved property before any zoning occupancy or zoning use permit is granted. When a service road is provided, all access to an adjacent property shall use that service road, and no direct access to the main thoroughfare shall be provided.

(Ord. 01-014. Passed 7-17-01.)

1248.04 TRAFFIC IMPACT STUDY.

A traffic impact study shall be a requirement for site plan review if the expected trip generation of the use is 100 or more cars per hour as identified in the Institute of Traffic Engineers (ITE) Manual. A traffic impact study shall be prepared by a qualified professional engineer at the developer's expense. The traffic impact study shall

investigate the feasibility and benefits of improvements such as signals, turn lanes, driveway movement limitations, and other relevant information to the site to protect the safety of the traveling public. The traffic impact study shall include the following elements:

- (a) A description of the site and study area.
- (b) Anticipated development of adjacent parcels.
- (c) Trip generation and distribution, including a description of all assumptions used to generate findings of trip distribution.
- (d) Modal split (if applicable).
- (e) Traffic assignment resulting from the development.
- (f) Projected future traffic volumes.
- (g) An assessment of the impact that would result from driveway alternatives.
- (h) Recommendations for site access and transportation improvements needed to maintain traffic flow within and past the site at an acceptable and safe level of service.
- (i) An evaluation of the effects the proposed development will have on the level of service and roadway capacity.

(Ord. 01-014. Passed 7-17-01.)

1248.05 ENFORCEMENT.

The Village may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any zoning permit when work is not performed as required. Site plan approval issued under this section shall lapse within one year if a substantial use thereof has not commenced, except for good cause.

(Ord. 01-014. Passed 7-17-01.)