

CITY OF VANDALIA

MONTGOMERY COUNTY, OHIO

ORDINANCE 12-17

AN ORDINANCE APPROVING A PLANNED UNIT DEVELOPMENT FINAL DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 65 NORTH DIXIE DRIVE SUITE D BEING PARCEL ID# B02 51013 0017 AND LOCATED WITHIN THE SUBDIVISION KNOWN AS, "ORCHARD PARK PLAZA II CONDOMINIUMS" AND LOCATED IN THE "OFFICE SERVICE PLANNED UNIT DEVELOPMENT OVERLAY"

WHEREAS, Council has adopted a Planned Unit Development (PUD) Overlay for the "OS" Office Service District as set forth in Section 1264.09 PUD Overlay; and

WHEREAS, the property at 65 N. Dixie Dr. Suite D being Parcel # B02 51013 0017, located in the Orchard Park Plaza II Condominiums is located within an Office Service PUD Overlay; and

WHEREAS, the owners of the properties have requested to allow a Coffee Café Restaurant with Retail Sales as an Accessory Use in the Office Service PUD Overlay, in addition to the permitted uses described in Chapter 1264, "OS" Office Service District; and

WHEREAS, Section 1273.04 Use Regulations in a PUD Overlay District, allows uses which are not permitted in the underlying zoning district if such uses occupy less than thirty percent of the PUD Overlay; and

WHEREAS, the Planning Commission has held a public hearing and recommended approval of the Final Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VANDALIA, MONTGOMERY COUNTY, OHIO THAT:

Section 1. The PUD Final Development Plan for the property at 65 N. Dixie Dr. Suite D being Parcel # B02 51013 0017, which is located in the Office Service PUD Overlay, is hereby approved to allow a Coffee Café Restaurant with Retail Sales as an Accessory Permitted Use, in addition to the permitted uses described in Chapter 1264, "OS" Office Service District.

Section 2. The approval of this Restaurant Use with Retail Sales as an Accessory Permitted Use, shall become null and void if the use ceases by discontinuance or abandonment for a period of more than six months.

Section 3. The approval of this Restaurant Use with Retail Sales as an Accessory Permitted Use shall become null and void if building permits and Certificate of Occupancy is not obtained within 12 months after final approval of this PUD Final Development Plan ordinance.

Section 4. The zoning approval granted by the City is given pursuant to City Ordinances solely with the compliance with the City of Vandalia Zoning Code. The property may be subject to other restrictions including but not limited to recorded Covenants, Restrictions or Declarations that may be applicable notwithstanding the zoning approval.

Section 5. This ordinance shall take full force and effect from and after the earliest period allowed by law.

Passed this 4th day of February, 2013.

APPROVED:

Arlene J. Setzer, Mayor

ATTEST:

Robert L. Anderson
Clerk of Council