

## **CHAPTER 17 DEVELOPMENT PLAN REVIEW**

### **SECTION 17.1 – GENERAL PROVISIONS**

If a proposed development includes land that is zoned for residential, business, or industrial uses, the proposed development shall be subject to the approval of a Development Plan by the Planning and Zoning Commission, pursuant to the guidelines in this Section and the zoning district where the development is planned. In reviewing such Development Plan, the Planning and Zoning Commission shall have the authority to modify and/or reduce the requirements of this Zoning Code when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted. This Development Plan Review covers Planned Unit Development (PUD) or Subdivisions which shall be considered Major or Minor based on the following criteria:

Major Subdivision/PUD is a development not currently supported with streets or infrastructure.

Minor Subdivision/PUD is a development within the current zoned districts supported with streets and infrastructure.

#### **A. Pre-Application**

No person, firm or corporation shall subdivide territory within the corporate limits of the Village, enter into any contract for the sale of, or offer to sell, any subdivision or any part thereof, or proceed with any construction work on a proposed subdivision, until approval has been obtained from the Enforcing Officer.

A developer is encouraged to meet early and informally with the Enforcing Officer and the Planning and Zoning Commission prior to the submission of the preliminary Development Plan. The purpose of this meeting is to discuss conformity to these subdivision regulations and the thoroughfare plan and other applicable criteria and standards contained herein, and to familiarize the developer with the development process, other provisions of this Zoning Code, and infrastructure systems within the Village. If a zoning change is to be requested for any development, a separate Zoning Amendment application shall be required.

#### **B. Application Requirements**

An application for preliminary development shall be filed with the Enforcing Officer and the Planning and Zoning Commission by the owner/developer of the property for which the development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop

the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Name, address, and phone number of developer.
3. Name, address, and phone number of registered engineer, architect, and surveyor.
4. Legal description of the property.
5. Description of the existing use of the property.
6. Current and proposed zoning districts.
7. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property included in, and adjacent to, the proposed site.
8. Proposed schedule for the development of the site.
9. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed Development Plan.
10. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer, and/or registered landscape architect. Such plan shall contain the following information:
  - a. North arrow, date, and scale.
  - b. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use. Names of adjacent subdivisions and owners of adjoining parcels or unsubdivided land shall be included.
  - c. General location of thoroughfares, including type, as well as location and size, measured in number of parking spaces for all off-street parking areas, including curb cuts.
  - d. Open space and the intended uses therein, with acreage provided.
  - e. Residential land uses summarized by lot size, dwelling type and density.
  - f. Provide exterior aesthetics including color cosmetics/schemes to ensure harmony within the zoned district and not be detrimental to the overall comprehensive plan for the desirable development of the Village and the planning process that is reflected in this Zoning Code.
  - g. Existing and proposed roads, buildings, utilities, permanent facilities, easements, right-of-way, and abutting property boundaries. Each residential dwelling/unit on the property will be required to have its own sewer and water tap and water meter. (See Chapter 11, Section B4 PUD).
  - h. Physical features and natural conditions of the site including soils, the location of vegetation, and existing tree lines.

- i. Existing contours in intervals of two (2) feet to show existing natural drainage, surface drainage, and areas subject to flooding.
- j. Preliminary plan for water, sewer, storm drainage, and other utility systems. Show existing sanitary sewers, storm sewers, water mains, culverts, or other underground infrastructure within the site or immediately adjacent properties with pipe sizes, pipe types, grades, and locations. Include names, addresses, and phone numbers for utility owners.
- k. Other improvements as required by the Enforcing Officer, and Planning and Zoning Commission, and an engineer selected by the Village.
- l. Preliminary typical section of parking area, including dimensions of parking spaces and total number of handicap and standard spaces.
- m. Preliminary cross section of drive approaches and utility laterals.
- n. Every subdivision shall be required to provide complete public utilities, including water, sanitary sewers and storm sewers, and full street improvements, including street paving, curbs, gutters, and sidewalks.
- o. Preliminary location, size, pipe type and grades of proposed sanitary sewer, storm sewer, and proposed water mains, including location of fire hydrants and water valves. Upon request, provide design data, profiles, and drainage calculations.
- p. OUPS (811) Reference Number.
- q. The location of all survey monuments and their descriptions.
- r. The radii, delta angles, tangents and length of curves for all curvilinear streets and radii for rounded corners.
- s. Standard general notes and design details per Village Specifications.
- t. Label appropriate setbacks as required by the appropriate zoning district.
- u. Location, setbacks, and dimensions of proposed signage.
- v. Location of trash receptacles and proposed screening.
- w. Location, dimension, and describe plan of landscaping, screens or buffers as required by the appropriate zoning district.

Ten (10) copies of the completed application and Preliminary Development Plan shall be submitted to the Enforcing Officer. Failure to submit a complete application shall result in a refusal of acceptance. The Enforcing Officer shall transmit the complete application package to the Planning and Zoning Commission for review and comment.

### **C. Planning & Zoning Commission Application Review**

Before making its determination, the Planning and Zoning Commission shall find that the facts submitted with the application follow the requirements set forth below:

1. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of public health, safety and welfare within the community; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
2. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
3. Any proposed commercial development can be justified at the proposed locations.
4. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final Preliminary Development Plan.
5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
6. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose. The Planning and Zoning Commission shall make a determination to approve, approve with conditions or modifications, or deny the request for Preliminary Development Plan within sixty (60) days.

#### **D. Planning & Zoning Commission Action**

1. Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Enforcing Officer and the Planning and Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.
2. An application for approval of the Final Development Plan shall be filed with the Enforcement Officer by at least one (1) owner or lessee of property for which the development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall include the following information and materials:

- a. Survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses. The survey shall include the Surveyor's name and contact information.
- b. All the information required in the Preliminary Development Plan, including the location and sizes of lots, non-residential building intensity, and land use considered suitable for adjacent properties.
- c. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses; estimated future occupation; anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- d. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations, geotechnical report, drainage report, traffic studies, waste disposal facilities, street improvements, and the nature and extent of earth work required for traffic circulation and for site preparation and development.
- e. Completely detailed plans for the construction of all improvements contemplated by the approval of the Preliminary Development Plan to completely improve all of the land included in the final plan.
- f. Plan and profile of all sanitary sewers, storm sewers, and water mains.
- g. Design data for sanitary sewers, storm sewers/detention, and water mains.
- h. Vertical and horizontal control data.
- i. Site grading plan showing existing and proposed contours referenced to Village datum with intervals of two (2) feet needed to show proposed drainage upon completion of construction.
- j. Cross sections of drive approaches, utility laterals, and any other unique features.
- k. Site plan, showing building(s), various functional use areas, traffic circulation, and their relationship.
- l. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- m. Plans for landscaping.
- n. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance

of land, and the improvements thereon, including those areas which are commonly owned and maintained.

- o. All detailed construction plans shall be reviewed by the Solicitor and selected Village engineer to determine the compliance of plans with the laws of the State, the Ordinances of the Village, and good engineering practices. Only the signature of the selected Village engineer on such plans shall indicate the general conformance with such regulations.
  - p. Final Record Drawing shall be filed with the Enforcing Officer upon completion of the development.
3. Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, the Planning and Zoning Commission shall recommend to Council one of the following:
- a. Recommend that the Final Development Plan be granted as requested;
  - b. Recommend a modification of the Final Development Plan as requested; or
  - c. Recommend that the Final Development Plan be denied.

The written recommendation from the Planning & Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, including the basis for their determination that the proposed Final Development Plan is or is not consistent with the comprehensive plan.

#### **E. Village Council Criteria/Public Hearing/Ruling**

Affirmative/Adverse recommendations - When Council receives an affirmative or adverse recommendation from the Planning and Zoning Commission on a proposed Final Development Plan the following procedure shall be followed:

1. Within sixty (60) days of the receipt of the recommendation from the Planning & Zoning Commission on a Final Development Plan, a public hearing shall be held in accordance with ORC 713.12. Notice of the public hearing shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the hearing. The published notice shall set forth the time, date, location of the public hearing and a summary of the proposed Final Development Plan.
2. Notice to Property Owners: If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail at least twenty (20) days before the day of the public hearing to all owners of property within two-hundred (200) feet contiguous to, and directly across the street from, such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the

application. Notice should also set forth the time and place of the public hearing and a summary of the proposed amendment. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment.

3. Within thirty (30) days after the required public hearing, the Village Council shall:
  - a. Adopt or modify the recommendation of the Planning & Zoning Commission with an affirmative vote of at least a majority of the membership of Village Council.
  - b. In the event the Village Council denies or modifies the
  - c. recommendation of the Planning & Zoning Commission, it must do so by not less than three-fourths (3/4) of the full membership of Village Council.

No such legislation approving said Development Plan shall be passed unless it has been fully and distinctly read on three (3) different days except that said legislation may become emergency legislation if three-fourths (3/4) of the members of the Village Council vote to dispense with the three-reading rule.

The approval of the Final Development Plan shall be for a period not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved Development Plan shall be null and void. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessary due to conditions beyond the control of the applicant.

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