

**CHAPTER 1183**  
**Development Plan Review**

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**1183.01 PURPOSE.**

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

**1183.02 DEVELOPMENT PLAN REVIEW REQUIRED.**

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

- (a) General Development Plan. A general development plan that indicates the general concept of development for an entire site including the general location of use areas, open space and circulation pattern, shall be required for all proposed planned unit residential developments and any project that includes multiple buildings or phased development. Applicants for other types of projects may but are not required to submit a general development plan.
- (b) Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, landscaping, parking areas, access drives, signs, and outdoor storage areas shall be required for the following:

- (1) Planned unit residential developments or any proposed development for which, according to subsection (a) above, a general development plan is required;
  - (2) New construction of all permitted uses in multi-family, commercial, and industrial districts;
  - (3) New construction of all conditional uses;
  - (4) Any existing or previously approved development meeting the criteria of subsections (1) through (3) above that proposes to alter, reconstruct, or otherwise modify a use or site including expanding the floor area of the permitted use; increasing the number of dwelling units in a multi-family development; or changing the use which requires an increase in the amount of parking or a change in the site's circulation.
- (c) Reoccupancy of an existing structure when there is no change in the bulk of the structure; or in a previously approved final development plan; and no change in the parking required is exempt from the development plan review procedures.
- (d) Exterior changes proposed to property in the C-3 District that do not alter the footprint or ground floor area of a building, although exempt from the development plan review procedures, shall comply with the procedures for a certificate of approval set forth in Section 1181.05.

**1183.03 PREAPPLICATION MEETING ENCOURAGED.**

The applicant is encouraged to meet with the Zoning Administrator, or his/her designee, or with the Planning Commission prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Planning and Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

**1183.04 MINOR ALTERATIONS REVIEWED BY ZONING ADMINISTRATOR.**

When a minor alteration is proposed to an existing building, structure or site arrangement on a zoning lot otherwise subject to development plan review pursuant to Section 1183.02, the Zoning Administrator may make a preliminary determination that such a proposal is not subject to development plan review.

- (a) For the purposes of this Section, a minor alteration shall include:

- (1) Small incidental construction of accessory structures;
  - (2) Incidental additions or alterations to principal buildings on large zoning lots;
  - (3) Proposed construction of a building or structure that is substantially distant and screened from adjacent roadways and property lines so as to have no impact on the surrounding properties; and
  - (4) Minor design modifications that will have no discernible impact on neighboring properties, the public, or those intended to occupy or use the proposed development.
- (b) The applicant shall submit a scaled drawing indicating the proposed minor alteration.
- (c) The Zoning Administrator shall review the proposal to determine that the proposal is not contrary to this Planning and Zoning Code; and will not result in any material adverse impact to the site; or surrounding areas.
- (d) The proposal shall be placed on the agenda of the next regularly scheduled Planning Commission meeting. At such meeting, the Planning Commission shall, by motion and majority vote, either:
- (1) Confirm the Zoning Administrator's preliminary determination, in which case the Zoning Administrator may issue a zoning certificate; or
  - (2) Overturn the Zoning Administrator's determination and in so doing require that the proposal fully comply with the Development Plan Review procedures of this Chapter.

**1183.05 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.**

An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application, including the general development plan and the application fee shall be submitted to the Zoning Administrator. The general development plan shall be drawn to an appropriate scale and shall indicate:

- (a) The location of all existing structures and access points.
- (b) The general location of existing buildings, parking areas and access drives on parcels within 200 feet of the site;

- (c) The general location of all proposed construction including buildings and structures, parking areas, and access points.
- (d) The location of existing and proposed topography, major vegetation features, and wooded areas;
- (e) The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets and pedestrian circulation.
- (f) A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and common open space, and the number of proposed dwelling units by type;
- (g) Proposed phases if the project is to be developed in stages indicating the phase(s) during which any common facilities are anticipated to be constructed;
- (h) The following items for planned unit residential developments, in addition to the items identified in subsections (a) through (g) above:
  - (1) The location, size, number of units, and density of cluster and attached single-family areas;
  - (2) The general location of restricted open space;
  - (3) Natural features to be conserved and any required buffer areas; and
  - (4) Any proposed recreational facilities.
- (i) Other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.

**1183.06 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.**

An application for final development plan review shall be required for each phase of development. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Administrator. The application shall include the maps, plans, designs and supplementary documents itemized below, unless specific items are determined by the Zoning Administrator to be inapplicable or unnecessary and are waived in writing by the Zoning Administrator.

- (a) An accurate, legal description prepared or certified by a registered surveyor of the state;
- (b) A property location map showing existing property lines, easements, utilities and street rights-of-way;

- (c) A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
  - (1) Use, location and height of existing and proposed buildings and structures;
  - (2) Location of all public rights-of-way and private streets;
  - (3) Location and configuration of vehicular circulation including off-street parking and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control;
  - (4) Location of proposed and existing structures including fences, walls, signs, and lighting;
  - (5) Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
  - (6) Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
  - (7) Dimensions of all buildings, setbacks, parking areas, drives and walkways;
  - (8) The following items for planned unit residential developments, in addition to the items identified in this Section:
    - A. Location of restricted open space required; and
    - B. Location of building envelopes within which dwelling units are to be constructed, and lot lines for single-family detached dwellings.
- (d) The substance of covenants, grants of easements, or the restrictions proposed to be imposed upon the use or maintenance of land and buildings, including proposed easements or grants for public utilities. If the proposed project is a phased development, such documentation shall be submitted with the first phase.
- (e) Topographic maps showing existing and proposed grading contours and major vegetation features including existing trees over six inches in diameter, wooded areas, wetlands and other environmental features;
- (f) Preliminary architectural plans for the proposed development or use showing exterior elevations and building floor plans, site construction materials, and signs, prepared and certified by a professional engineer, architect, or surveyor;

- (g) Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping, screening elements and any existing trees to be removed;
- (h) Summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space, and the number of proposed dwelling units by type;
- (i) For a phased development, a proposed schedule for completion of improvements that are designed to relate to, benefit or be used by the entire development. Such schedule shall be submitted with the first phase and shall relate completion of such improvements to completion of one or more phases of the development.
- (j) Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Administrator;

**1183.07 DEVELOPMENT PLAN REVIEW PROCEDURES.**

Development plans, both general and final, shall be reviewed and distributed according to the following procedures.

- (a) Review for Completeness. Within 10 days after receiving an application, the Zoning Administrator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the necessary changes or additional information needed. When the application is deemed complete and the application fee has been paid, the Zoning Administrator shall officially accept the application for consideration of the action(s) requested on the date such determination is made and place it on the Planning Commission's agenda.
- (b) Distribution of Plans. When the Zoning Administrator determines that the application is complete, the Zoning Administrator shall forward the application to the following for review and comment. Any reports, comments, or expert opinions shall be returned to the Zoning Administrator within 10 days from the date the application is deemed complete.
  - (1) All applications shall be transmitted to the appropriate City departments and professional consultants;
  - (2) Applications for proposed construction or modifications in the C-3 District shall also be transmitted to the C-3 Design Review Committee for their review and recommendation on the development plan application, and for compliance with the certificate of approval requirements set forth in Section 1181.05.

- (c) Transmission to the Planning Commission. The Zoning Administrator shall distribute the application for development plan review and any reports prepared by the individuals in subsection (b) above to the Planning Commission, prior to the time of the Commission's review at their next regularly scheduled meeting.

**1183.08 PLANNING COMMISSION REVIEW OF GENERAL DEVELOPMENT PLANS.**

The Planning Commission shall review a development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff, consultants and the C-3 Design Review Committee when reviewing the application. In order to approve a general development plan, the Planning Commission shall determine that:

- (a) The plan is consistent with the Comprehensive Plan.
- (b) The appropriate use and value of property within and adjacent to the area will be safeguarded.
- (c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- (d) The development will have adequate open spaces.
- (e) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Planning and Zoning Code.

**1183.09 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLANS.**

The Planning Commission shall review a final development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff, consultants and the C-3 Design Review Committee when reviewing the application. In order to approve a final development plan, the Planning Commission shall determine that:

- (a) The plan is consistent with any plan for the orderly development of the City and, when applicable, conforms in all respects to the approved or provisionally approved general development plan and the regulations of this Planning and Zoning Code provided, however, that the Planning Commission may authorize minor changes in the plans as specified in Section 1183.13.
- (b) The appropriate use and value of property within and adjacent to the area will be safeguarded.
- (c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- (d) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
- (e) The development will have adequate public service and open spaces.
- (f) The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Planning and Zoning Code.
- (g) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas.
- (h) The proposed signs:
  - (1) Are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings;
  - (2) Adequately identify the use; and
  - (3) Are located to maintain safe and orderly pedestrian and vehicular circulation.
- (i) The landscape plan will adequately:
  - (1) Enhance the principal building and site;



- (2) Maintain existing trees to the extent possible;
  - (3) Buffer adjacent incompatible uses;
  - (4) Break up large expanses of pavement with natural material; and
  - (5) Provide appropriate plant materials considering the ultimate mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical weather conditions.
- (j) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this Planning and Zoning Code and any other design criteria established by the City or any other governmental entity which may have jurisdiction over such matters.
- (k) If the project is to be carried out in progressive stages, each stage shall be so planned that the foregoing conditions are complied with at the completion of each stage.

**1183.10 REQUEST FOR ADDITIONAL INFORMATION.**

In their review of an application, the Planning Commission may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development.

**1183.11 SIMULTANEOUS PLAT APPROVAL.**

If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with the Subdivision regulations. Preliminary development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission.

**1183.12 ACTION BY PLANNING COMMISSION.**

- (a) For a general or final development plan, the Planning Commission shall either:
- (1) Approve the development plan as submitted; or
  - (2) Approve the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or

- (3) Table the development plan for the next scheduled Planning Commission meeting, demonstrating to the applicant an acceptable alternative plan; or
  - (4) Deny the development plan when the application does not demonstrate that the required standards have been met.
- (b) If the Planning Commission fails to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, then the applicant may deem the development plan denied.

**1183.13 EQUIVALENCY PROVISION.**

In reviewing the application, the Planning Commission may find that a final development plan either adheres or is equivalent to the requirements of this Planning and Zoning Code.

- (a) The Planning Commission may consider elements of a final development plan to be equivalent to a requirement if:
- (1) The proposed final development plan substantially complies with all specific requirements and with the purposes, intent and basic objectives of the zoning district;
  - (2) Through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements; and
  - (3) The development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.
- (b) It shall be the responsibility of the applicant to demonstrate to the Planning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Planning Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such finding, the Commission may approve the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Planning and Zoning Code.

**1183.14 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.**

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Planning Commission. A request for such a transfer or change of ownership shall be presented to the Planning Commission and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original development plan. All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate. Any changes in an approved plan shall be resubmitted for approval in accordance with this Chapter.

**1183.15 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.**

An approved development plan shall remain valid for a period of 12 months following the date of its approval, unless the Planning Commission authorizes a longer period at the time of approval.

- (a) General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Administrator, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.
- (b) Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.

**1183.16 REVISIONS TO ASSOCIATION DOCUMENTS APPROVED BY CITY ATTORNEY.**

Whenever a homeowner's association, community association, condominium association or similar legal entity amends those portions of their bylaws or code of regulations that pertain to maintenance obligations or access to common areas within a planned unit residential development, such amendment shall be submitted to the City Attorney for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Planning and Zoning Code.

**1183.17 APPEALS TO THE COURT OF COMMON PLEAS.**

Decisions by the Planning Commission granting or denying approval of development plans shall be final. Appeals shall be subject to judicial review by the Court of Common Pleas of Williams County, Ohio, in accordance with the laws of the State of Ohio.

