

**CHAPTER 1111
Development Plan Review Procedures**

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1111.01 PURPOSE.

The purpose of this Chapter is to provide adequate review by the Planning and Zoning Commission and the Architectural Board of Review of proposed developments in those zoning districts where the uses permitted 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.

1111.02 DEVELOPMENT PLAN REVIEW.

Review of a development plans shall be conducted in compliance with the following:

- (a) Development Plan Process. Development plan reviews should proceed and generally move in phases to include:
 - (1) Pre-application meeting with the Zoning Administrator
 - (2) Work session with the Planning and Zoning Commission/Architectural Board of Review review and discuss the development concept
 - (3) Preliminary plan preparation
 - (4) Final plan preparation

- (b) **Development Plan Review Required.** A 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) Conservation developments;
 - (2) New construction of all permitted uses in multi-family, commercial, research and office, as well as industrial districts;
 - (3) New construction of all non-residential permitted uses in Single Family Residential Districts;
 - (4) New construction of all single-family attached dwelling units in the R-2 Attached Single-family/Townhouse District;
 - (5) New construction of all conditional uses;
 - (6) Senior citizen residential developments; and,
 - (7) Any existing or previously approved development meeting the criteria of subsections (1) through (6) 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) A change of occupancy in an existing structure, or in a previously approved final development plan, when there is no change in the bulk of the structure, and no change in the parking required, shall be exempt from the development plan review procedures.

1111.03 PRE-APPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Administrator prior to submitting an application for preliminary 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.

1111.04 DEVELOPMENT PLAN REVIEW PROCEDURES.

Development plans, including preliminary and final, shall be reviewed and distributed according to the following procedures.

- (a) **Review for Completeness.** Within fourteen (14) 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 and Zoning Commission's agenda or declare the application a Minor Alteration, as permitted by **Section 1111.05**, if applicable.

- (b) **Distribution of Plans.** When the Zoning Administrator determines that the application for preliminary or final development plans are complete, the Zoning Administrator shall forward the application to the appropriate City departments and professional consultants 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.
- (c) **Transmission to the Planning and Zoning Commission.** For Final and Preliminary Development Reviews, 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 and Zoning Commission, prior to the time of the Commission's review at their next regularly scheduled meeting.

1111.05 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 1111.02**, 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 alterations of existing off-street surface parking lots;
 - (2) Small incidental construction of accessory structures;
 - (3) Incidental additions or alterations to principal buildings on large zoning lots; 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 and Zoning Commission meeting. At such meeting, the Planning and Zoning 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.

1111.06 PRELIMINARY DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

- (a) Submission of a Conceptual Plan. An application and conceptual plan should be prepared for every development and submitted to the Zoning Administrator. The purposes of a conceptual plan layout is to furnish sufficient information for determination of proper integration of the development with the area, compliance with City codes, and to permit an opportunity for the Planning and Zoning Commission and/or the Architectural Board of Review to conduct a work session to review and render comments before the plan is advanced. This process will take place before proceeding with the preparation of the preliminary development plan. However, no action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations of the Planning and Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Planning and Zoning Commission and/or the Architectural Board of Review.
- (b) Submission of a Preliminary Development Plan. The applicant shall submit a preliminary development plan to the Zoning Administrator along with payment of the required fee. The development plan shall be prepared by a qualified professional and drawn to an appropriate scale, and shall disclose all uses proposed for the development, their location, extent and characteristics. The application for a preliminary development plan review shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Administrator to be inapplicable or unnecessary and are waived in writing by the Zoning Administrator:
 - (1) An accurate legal description prepared by or certified by a registered surveyor of the state;

- (2) A property location map showing existing property lines, easements, utilities and street rights-of-way;
- (3) A preliminary development plan indicating:
 - A. Use, location and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights;
 - B. Location and configuration of 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;
 - C. Adjacent streets and property including lot lines, buildings, parking and drives within 200 feet of the site;
 - D. Proposed and existing fences, walls, signs, lighting;
 - E. Location and layout of all outdoor storage areas including storage of waste materials and location of trash receptacles;
 - F. Sanitary sewers, water and other utilities including fire hydrants, as required and proposed drainage and storm water management;
 - G. Dimensions of all buildings, setbacks, parking lots, drives and walkways.
- (4) 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;
- (5) Proposed landscaping and screening plans pursuant to Chapter 1155 – Landscaping and Land Use Buffers; indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and the existing trees to be removed;
- (6) Preliminary architectural sketches of buildings and other structures, floor plans, site construction materials and signs;
- (7) Summary table showing total acres of the proposed development; number of acres devoted to each type of residential and/or non-residential use including streets and open space; number of dwelling units by type;

- (8) Other features necessary for the evaluation of the development plan as deemed necessary by the Zoning Administrator or Planning and Zoning Commission.

1111.07 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. 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 Conservation Development and for Senior Citizen Residential Developments, in addition to the items identified in this Section:

- A. Location of restricted open space required as well as the amount and location provided in previous phases;
 - B. Location of building envelopes within which dwelling units are to be constructed, and lot lines for single-family detached dwellings; and
 - C. Number of units approved built or approved for previous phases.
- (d) A tree preservation plan, if required by the City.
 - (e) For proposed developments located in a Protected Hillside Area, the documentation required by Section 1167.05, Permit Procedures.
 - (f) For Senior Citizen Residential Developments, evidence of the applicant’s ability to comply with the Housing for Older Persons Act of 1995 shall be submitted.
 - (g) 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 all phases.
 - (h) 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;
 - (i) Architectural plans for the proposed development or use showing all exterior elevations and building floor plans, site construction materials, and signs, prepared and certified by a professional engineer or architect;
 - (j) Proposed landscaping and screening plans pursuant to Chapter 1155, Landscaping and Land Use Buffers, indicating the description of the location and nature of existing and proposed vegetation, landscaping, screening elements and any existing trees to be removed;
 - (k) 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;
 - (l) 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.
 - (m) Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Administrator;

1111.08 PLANNING AND ZONING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLANS.

The Planning and Zoning Commission shall review a development plan to determine if such application complies with the review criteria set forth below. The Planning and Zoning Commission shall take into consideration the comments and recommendation of staff and consultants. In order to approve a preliminary development plan, the Planning and Zoning 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 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.

1111.09 CRITERIA FOR REVIEWING FINAL DEVELOPMENT PLANS.

In reviewing final development plans, the Planning and Zoning Commission shall review the development plan to determine if such application complies with the review criteria set forth below. The Planning and Zoning Commission shall take into consideration the comments and recommendation of staff and consultants when reviewing the application. In order to approve a final development plan, the Planning and Zoning 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 preliminary development plan and the regulations of this Planning and Zoning Code.
- (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, parking 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) Points of ingress/egress to the development shall be controlled and designed in such manner as to minimize conflicts with adjacent properties and developments.
- (i) Adequate provision is made for emergency vehicle access and circulation;
- (j) The proposed signs:
 - (1) Are of an appropriate size, scale, and design in relationship with the principal building, site, and surroundings; and,
 - (2) Adequately identify the use; and
 - (3) Are located to maintain safe and orderly pedestrian and vehicular circulation.
- (k) Site lighting is designed to minimize direct light, glare, and excessive glow, which unreasonably interferes with the use and enjoyment of adjacent property. If it is determined that, once the project is completed, the lighting does have unreasonable adverse impact on adjacent property, the Zoning Administrator, with assistance of the City Engineer, may order reasonable alterations to the site lighting (such as reduced illumination, shielding, landscaping, etc.) to mitigate such unreasonable impacts;
- (l) 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.
- (m) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swales, 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.

- (n) If the project is to be carried out in progressive stages, each phase shall be so planned that the foregoing criteria are complied with at the completion of each phase.

1111.10 REQUEST FOR ADDITIONAL INFORMATION.

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

1111.11 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 Title Five of this Planning and Zoning Code. Final development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning and Zoning Commission.

1111.12 ACTION BY PLANNING AND ZONING COMMISSION.

- (a) For a preliminary or final development plan, the Planning and Zoning 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 in the setback 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) Deny the development plan when the application does not demonstrate that the required standards have been met.
- (b) For a preliminary or final development plan, the Planning and Zoning Commission may also postpone the development plan for the next scheduled Planning and Zoning Commission meeting, demonstrating to the applicant an acceptable alternative plan.
- (c) Failure of the Planning and Zoning Commission to act within sixty (60) days from the date the application was deemed complete, or an extended period as may be agreed upon, the applicant may deem the application denied.

1111.13 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.

- (a) An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final 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 Zoning Administrator. A request for such a transfer or change of ownership shall be presented to the Zoning Administrator and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original development plan.
- (b) All construction and development under any building permit shall be in accordance with the approved final development plan. Any departure from such plan shall be cause for revocation of the Zoning Certificate and/or Building Permit, and the property owner or other responsible parties are subject to penalties as prescribed by this Planning and Zoning Code.
- (c) Any changes in an approved final development plan shall be resubmitted for approval in accordance with this Section.

1111.14 APPROVAL BY ARCHITECTURAL BOARD OF REVIEW REQUIRED.

No application for a final development plan shall be approved by the Planning and Zoning Commission unless first approved by the Architectural Board of Review. In reviewing final development plans, the Architectural Board of Reviews shall review the development plan to determine if such application complies with the review criteria set forth below. The applicant is encouraged to meet with the Architectural Board of Review at the preliminary development plan stage of a project to discuss criteria and standards pertaining to this Planning and Zoning Code. 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.

- (a) In their review of an application, the Architectural Board of Review shall consider the following:
 - (1) The overall exterior appearance of any proposed building or structure;
 - (2) The height, build and scale of any proposed building or structure with respect to building or structures in the immediate area;
 - (3) The exterior materials, colors and textures of any proposed building or structure with respect to their compatibility with other buildings and structures within the immediate area;
 - (4) The arrangement and location of any proposed buildings, structures or uses on the site, as well as their relationship to other buildings and structures within the immediate area;

- (5) The character, appearance and scale of any proposed landscaping or plantings for decorative or screening purposes; and
 - (6) All other factors that affect the appearance of the site and the area.
- (b) The Architectural Board of Review shall endeavor to insure that the exterior appearance of all buildings, structures or uses will:
- (1) Enhance the attractiveness and desirability of the area in keeping with its purpose and intent;
 - (2) Encourage the orderly and harmonious development of the area in keeping with its character;
 - (3) Improve residential amenities; and
 - (4) Enhance and protect the public and private investment and the value of all land and improvements within the area.
- (c) The Architectural Board of Review shall not attempt to prescribe the style of architecture as long as the architectural style and design under consideration meet the standards set forth in 1111.14 (a) and (b).
- (d) The Architectural Board of Review shall take one of the following actions:
- (1) The Architectural Board of Review shall approve the final development plan if the proposed plan is determined to be appropriate and in conformance with the review criteria outlined in this Section;
 - (2) The Architectural Board of Review may approve the final development plan subject to reasonable requirements not included on the plan as submitted, to ensure that the development conforms to the intent and purposes of this Section. In such case, the Architectural Board of Review shall postpone the plan for the next scheduled Architectural Board of Review meeting so as to ensure that all reasonable requirements have been met; or
 - (3) The Architectural Board of Review shall deny the application if the plan is not found to comply with the specifications of this Planning and Zoning Code. The Architectural Board of Review shall indicate in its minutes the reasons for its action.

1111.15 EQUIVALENCY PROVISION.

In reviewing the application, the Planning and Zoning 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 and Zoning 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 and Zoning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Planning and Zoning Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such a 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.
- (c) Approval under this Section is not a variance. Instead, this sub-section allows applicants to satisfy zoning requirements in ways not anticipated by the City.

1111.16 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

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

- (a) Preliminary 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 preliminary development plan shall expire and shall be of no effect unless resubmitted and re-approved 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 re-approved 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.

1111.17 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, 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.

1111.18 APPEALS OF PLANNING AND ZONING COMMISSION DECISIONS.

Decisions by the Planning and Zoning Commission granting or denying approval of Preliminary or Final development plans shall be final. Appeals shall be subject to judicial review in attendance with law.

1111.19 APPROVAL OF DEVELOPMENT PLAN REQUIRING VARIANCES.

If the development application requires approval of both a development plan and a variance, the Zoning Administrator shall decide which procedures, development plan review or variance, the applicant shall proceed through first.