



ORDINANCE 2024-38

AN ORDINANCE AMENDING SECTIONS 1135.03 THROUGH 1135.07 RELATED TO ZONING CERTIFICATES AND SECTION 1143.11 – PROCEDURES FOR APPROVAL OF PLANNED DISTRICT DEVELOPMENT PLANS TO CLARIFY AND IMPROVE REVIEW PROCESSES.

WHEREAS, City Council has established a goal to improve the efficiency of City operations through modernizing and streamlining processes; and,

WHEREAS, Staff have identified potential updates to the Codified Ordinances in a continued effort to analyze code requirements, procedures, and standards; and,

WHEREAS, the periodic analyzing, revising, and updating of the Codified Ordinances to reflect best practices and streamline processes is in the best interest of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, AND STATE OF OHIO, AS FOLLOWS:

Section 1: That Part Eleven of the Codified Ordinances are hereby amended as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect on the earliest period allowed by law.

TC
Tom Counts
Mayor
11/6/24
Date

Elaine McCloskey
Elaine McCloskey
City Clerk
11/6/24
Date

EFFECTIVE DATE: December 6, 2024

This legislation has been posted in accordance with the City Charter on this date 11/11/24
Elaine McCloskey
City Clerk

1135.03 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE.

- (a) Application for a zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the certificate shall expire and may be revoked if work has not begun within six months or substantially completed within one year. At a minimum, the application shall contain the following information and be accompanied by all required fees:
- (1) Name, address, and phone number of applicant;
 - (2) Legal description of property;
 - (3) Existing use;
 - (4) Proposed use;
 - (5) Zoning district;
 - (6) Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the location and dimensions of the proposed building(s) or alteration; front, side, and rear yard setbacks;
 - (7) Building heights;
 - (8) Location and design of access drives;
 - (9) Number of dwelling units;
 - (10) If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted;
 - (11) A separate off-street parking and loading plan indicating the number of off-street parking spaces or loading spaces, and their layout, as specified in this Zoning Ordinance, and other such information;
 - (12) Such other documentation as may be necessary to determine compliance with all the applicable provisions of, and to provide for the enforcement of, this Zoning Ordinance;
 - (13) In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Delaware County Health Department for the proposed method of water supply and/or disposal of sanitary wastes.

1135.04 APPROVAL OF ZONING CERTIFICATE.

The Zoning Administrator or their designee shall either approve or disapprove the application in conformance with the provisions of the Zoning Ordinance.

1135.07 EXPIRATION OF ZONING CERTIFICATE.

If the work described in any zoning certificate has not been completed within one year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Administrator or their designee; and written notice thereof shall be given to the persons affected. The Zoning Administrator or their designee may grant a one-time extension of six months to an issued zoning certificate provided that the applicant contacts the Zoning Administrator or their designee at least 30 days prior to the expiration date.

1143.11 PROCEDURES FOR APPROVAL OF PLANNED DISTRICT DEVELOPMENT PLANS.

Planned District Development Plans shall be approved in accordance with the procedures established herein in this section.

- (a) *Sketch Plan Application.* The applicant shall file a sketch plan application in conformance with Section 1109.06 outlining their intent for developing a planned district for review by the Planning and Zoning Commission if one or more of the following conditions are met:
- (1) The proposal does not align with the future land use recommendations of the comprehensive plan;
 - (2) Except for properties zoned DR, Downtown Residence District or DB, Downtown Business District, the proposal includes new development on five (5) or more acres. For properties zoned DR, Downtown Residence District or DB, Downtown Business District, proposals for new development of one (1) or more acres shall require a Sketch Plan application;
 - (3) The proposal will be developed in three (3) or more phases; or,
 - (4) The proposal includes the creation of new public roadways or extension of existing public roadways.

The purpose of this application is to discuss early and informally the effect of this Zoning Ordinance and the criteria and standards contained herein, and to familiarize the applicant with zoning and other applicable regulations. The Planning and Zoning Commission shall schedule a public hearing on a complete sketch plan application based on the recommendation of the Zoning Administrator or their designee.

- (b) *Filing of a Combined Preliminary and Final Development Plan.* An applicant may file a combined preliminary and final development plan. Any combined application shall provide all application requirements as outlined in subsections (c) and (i) and shall follow the review procedures of a final development plan application.
- (c) *Preliminary Development Plan Application Requirements.* An application for preliminary Planned District Development Plan approval shall be filed with the Zoning Administrator or their designee by the owner of the property for which Planned District development is proposed. At a minimum, the application shall contain the following information. Where any of this information is missing or incomplete, the Zoning Administrator or their designee shall notify the applicant and no additional actions need be taken until such missing material is provided.
- (1) Name, address, and phone number of the applicant(s);
 - (2) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
 - (3) Legal description of the property;

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- (4) A description of present land use(s);
 - (5) A vicinity map showing all property lines, existing streets and alleys, approved future streets and land uses on adjacent Planned District areas, transportation and land use elements of the City's adopted Comprehensive Plan, current zoning classifications and boundaries, and current land uses on the site of the proposed Planned District development and in the surrounding areas, but no less than 250 feet beyond the limits of the proposed Planned District Development Plan.
 - (6) A preliminary development plan illustrating:
 - A. The property line definition and dimensions of the perimeter of the site;
 - B. Rights-of-way and paving widths of all existing, currently platted, and previously approved Planned District streets and alleys adjacent to, on, or abutting the site;
 - C. The area of the site and its subareas in acres;
 - D. The topography of the site and abutting areas at no more than five-foot contour intervals;
 - E. Existing surface drainageways and surface sheet flow patterns;
 - F. Flood plain areas, ravine-bottom areas, and areas of ground slope in excess of six percent;
 - G. Existing vegetation on the site with specific tree locations for all trees six inches or greater diameter at breast height (DBH);
 - H. Existing easements on the site with notations as to their type, extent, and nature;
 - I. The location and dimensions of existing utilities on and adjacent to the site, including the nearest sanitary sewer, with manhole invert elevations;
 - J. Calculation of the maximum residential units permitted on the site under the terms of this Zoning Ordinance, including delineation of the subdistricts of the site upon which these calculations have been made;
 - K. A preliminary plan and plat for the first, or next, phase of site development illustrating:
 - 1. New street centerlines, rights-of-way, and street classification types;
 - 2. Names of existing and proposed streets;
 - 3. Generalized lot and block layouts, indicating and illustrating property lines, minimum lot areas, minimum building setbacks and yards, location and extent of major off-street parking areas, etc.;
 - 4. Subareas of the site to be developed, by land use type, housing types, and housing densities, including subarea statistics;
 - 5. Location of proposed structures including approximate square footage, use types, primary entranceways, and associated service or loading areas;
 - 6. Common open areas, public lands, and natural scenic easements, including the area of each;
 - 7. Proposed landscape treatment of the site;
 - 8. Proposed utility patterns and provisions, including sanitary sewer, individual waste disposal systems, storm sewer, trash collection systems, outdoor lighting, and water supply, including relevant easements and engineering feasibility studies or other evidences of reasonableness;
 - 9. Provisions for accommodating surface drainage runoff;

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- 10. Proposed architectural design criteria, if applicable;
 - 11. Proposed pedestrian/bicycle pathways and equestrian paths, including locations, dimensions, landscape and construction, including relationships of such pathways to existing and proposed future pathways on surrounding property;
 - 12. Overall site development statistics comparing this plan for development with requirements of this Zoning Ordinance and with the comprehensive plan and indicating that all requirements of this Zoning Ordinance and the comprehensive plan have been met in this preliminary plan and will be met in final development, as well as any requested deviations from the Zoning Ordinance.
- L. Projected development schedule by subareas of the entire planned development site, and for the first, or next, phase of development, including land uses, public areas, natural and scenic reserves, streets, buildings, utilities, and other facilities, indicating the relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
 - M. An overall traffic scheme, illustrating points of access, parking areas, including the number of parking spaces and indicating visitor, employee and service traffic flow, illustrating calculated peak hour traffic use for residents and employees as well as deliveries and other transport and the impact of this traffic on the City's road network.
 - N. If to be developed in phases, the entire site development shall be described in outline and diagrammatic plan form, and in a complementing detailed text in a manner calculated to assure City officials that Planned Development requirements and other requirements of this Zoning Ordinance shall be met in the detailed development of the phases to follow, and that the entire Planned Development area will meet all of the requirements of this Zoning Ordinance, such diagrams and descriptive texts being accepted with, and becoming a part of the extended zoning plan for the entire site;
- (7) Evidences, as determined by the Zoning Administrator or their designee, of the ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan, and that the applicant has sufficient control over the land and financing to initiate the proposed development plan phase within two years;
 - (8) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project area by the developer;
 - (9) Verification by the owner of the property that all the information in the application is true and correct to the best of his knowledge.
 - (10) A statement of the character and nature of the development including the cost range or rent levels for housing in residential development and the general types of business or industrial and commercial developments.
 - (11) A statement of the general impact the development will have on the infrastructure, municipality and schools including projected demographics, a traffic impact study and a fiscal impact analysis may be required by the Planning and Zoning Commission.
 - (12) A fee as established by ordinance.
- (d) *Planning and Zoning Commission Public Hearing.* The Planning and Zoning Commission shall schedule a public hearing on a complete preliminary development plan application based on the recommendation of the Zoning Administrator or their designee. The recommendation will include analysis of how the

preliminary development plan meets the requirements of this Zoning Ordinance, the comprehensive plan, and other applicable City policies.

(e) *Notice of Public Hearing.*

(1) Before holding the public hearing, notice of such Commission hearing shall be given on the City's website at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned district development, and a statement that, after the public hearing and after submission of a final development plan, the matter will be referred to the Council for further determination.

(2) Written notice of such hearing shall be sent at least ten days before the hearing, to all owners of property within 250 feet of the property in question and to other interested parties identified by the Commission including homeowner's associations, if relevant. Notices to individual property owners shall contain the same information as required of notices published on the City's website.

(f) *Public Access to Proposed Planned District Plans.* For a period of at least ten days prior to the public hearing by the Planning and Zoning Commission, all information relating to the planned district development plan shall be available for public inspection.

(g) *Action on a Preliminary Development Plan.* The Planning and Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Zoning Ordinance and other applicable City policies. If it does, the Commission shall approve the preliminary development plan. If it does not, the Commission shall either recommend supplementary conditions to address outstanding items or recommend changes and additions needed for approval and await a resubmission.

In reviewing a preliminary development plan, the Planning and Zoning Commission shall consider:

- (1) If the proposed development is consistent with the intent and requirements of this Zoning Ordinance;
- (2) The appropriateness of the proposed land uses with regard to their type, location, amount, and intensity, where not specifically specified in this Zoning Ordinance;
- (3) The relationships between uses, and between uses and public facilities, streets, and pathways;
- (4) Adequacy of provisions for traffic and circulation, and the geometry and characteristics of street and pathway systems;
- (5) Adequacy of yard spaces and uses at the periphery of the development;
- (6) Adequacy of open spaces and natural preserves and their relationships to land use areas and public accessways;
- (7) The order, or phases, in which the development will occur and the land uses and quantities to be developed at each phase;
- (8) Estimates of the time required to complete the development and its various phases;
- (9) Improvements to be made by the Municipality, if any, and their cost;
- (10) The community cost of providing public services to the development, and
- (11) Impacts of the development on surrounding or adjacent areas.

The Commission's approval of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

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- (h) *Submission of Final Development Plan.* After approval of the preliminary development plan, the applicant shall submit a final development plan for review. The final development plan shall be in general conformance with the preliminary development plan that was approved. The submission of a final development plan is a formal request for approval of a specific phase or phases of development that is consistent with the intent of this Zoning Ordinance, the comprehensive plan, and other applicable City policies.
- (i) *Final Development Plan Application Contents.* An application for a final development plan shall be filed with the Zoning Administrator or their designee by the owner of the property or their representative. Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. At a minimum, the application shall contain:
- (1) All of the information required for submission of the preliminary planned district development plan application;
 - (2) All plan materials rendered on an engineering survey of the proposed development site, showing the dimensions and bearings of property lines, property areas in acres, topography, existing features of the development site including major wooded areas, structures, easements, utility lines, land uses, and maximum building footprint areas for all non-residential uses and residential uses other than single-family detached and two-family dwellings;
 - (3) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development.
 - (4) A detailed landscape plan showing existing and proposed future landscape materials, ground cover, paving patterns and materials.
 - (5) A final development plan fee as established by Ordinance.
- (j) *Planning and Zoning Commission Public Hearing.* The Planning and Zoning Commission shall schedule a public hearing on a complete final development plan application based on the recommendation of the Zoning Administrator or their designee. The recommendation will include analysis of how the final development plan adheres to the approved preliminary development plan and meets the requirements of this Zoning Ordinance, the comprehensive plan, and other applicable City policies. Notice and public inspection of the application shall be as specified in subsections (e) and (f).
- (k) *Recommendation by the Planning and Zoning Commission.* The Planning and Zoning Commission shall review a final development plan to determine if it is consistent with the intent of this Zoning Ordinance and other applicable City policies. The Planning and Zoning Commission shall make a recommendation to City Council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved.

Before making its recommendation, the Planning and Zoning Commission shall consider:

- (1) The proposed development phase(s) can be initiated within two years of the date of approval and can be completed within five years;
- (2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;
- (3) The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area;

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- (4) Proposed non-residential developments can be justified at the location and in the amounts proposed;
 - (5) Housing densities are warranted by amenities and conditions incorporated in the final development plan and are in accordance with these planned district development requirements;
 - (6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;
 - (7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;
 - (8) The existing and proposed utility services are adequate for the population densities and uses proposed, and
 - (9) Adequate provision has been made for the detention and channelization of surface drainage runoff.
- (l) *Public Hearing by Council.* After receiving the recommendation from the Planning and Zoning Commission, City Council shall hold a public hearing on the final development plan within a reasonable time.
- (m) *Notice of Public Hearing by Council.*
- (1) Before holding its public hearing, notice of such hearing shall be given on the City's website at least ten days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and general description and summary of the planned district development, and a statement that all papers relating to the planned district development are on file with the Clerk and are open for public inspection.
 - (2) Written notice of the hearing shall be mailed, at least ten days before the date of the public hearing, to all owners of property within 250 feet of the proposed planned district development and to other interested parties as identified by Council. Notices to individual property owners should contain the same information as required of notices published on the City's website.
- (n) *Action by Council.* The Council shall review a final development plan based on the recommendation of the Planning and Zoning Commission to determine if it is consistent with the intent of this Zoning Ordinance and other applicable City policies. If it does, the Council shall approve the final development plan by ordinance. If it does not, the Council shall either recommend supplementary conditions to address outstanding items or recommend changes and additions needed for approval and await resubmission.
- (o) *Supplementary Conditions and Safeguards.* In approving any final development plan application, both the Planning and Zoning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Zoning Ordinance and shall be punishable as such.
- (p) *Expiration of Approval Period.* The approval of a final development plan be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and development of the project. Where a project is completed within five years, the approved final development plan shall remain as the effective zoning control over the area included in the plan, in addition to the requirements of this Zoning Ordinance. If required plats are not properly recorded and/or if no construction has begun on the site within two years of such approval, the approved final development plan shall be void unless an application for a time extension is submitted and approved.
- (q) *Extension of Time Limit.* An extension of the time limits set in subsection (p) hereof, as a modification of the approved final development plan, may be approved by Council upon the recommendation of the

Planning and Zoning Commission. Such approval shall be granted only upon a finding of a valid purpose and necessity for such extension and evidences of reasonable and diligent efforts toward accomplishment of the original development plan within the originally established time limits, and upon finding that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Administrator or their designee not later than 30 days before the expiration of the time limits set in subsection (p).

- (r) *Amended Final Development Plans.* Once a final development plan has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as an amended plan. "Substantial change" for the purposes of this section shall mean any modification of an approved final development plan, as determined by the Zoning Administrator or their designee, that results in:
- (1) Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
 - (2) Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
 - (3) Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than 30 feet;
 - (4) Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
 - (5) Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;
 - (6) Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.
- (s) *Zoning Amendments outside the Planned District Process.* No zoning amendment passed during the time period granted for the initiation and completion of an approved final development plan shall in any way affect the terms under which the approval of the planned district development was granted.
- (t) *Plat Required.*
- (1) In a Planned District, no use shall be established or changed and no structure shall be constructed or altered until any required subdivision plat has been prepared and recorded in accordance with the Development Regulations.
 - (2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond, or other such alternative form of surety as approved by the City Law Director, in favor of the appropriate public officers in a satisfactory amount assuring the expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.
- (u) *Administrative Review Application.* An application for an administrative review is a request for action by the Zoning Administrator or their designee on a proposal that is not considered a "substantial change" through an amended final development plan. The application may contain any of the information an applicant is seeking action on including site layout, intended land uses, landscape treatment, architectural character, or other similar items. The Zoning Administrator or their designee

shall review the request to ensure it is in keeping with the intent of this zoning ordinance and all applicable approved development plans. The Planning and Zoning Commission may review an application based on the recommendation of the Zoning Administrator or their designee. Notice of Planning and Zoning Commission review of an application shall be as specified in subsection (e).

- (v) *Informal Review Application.* An application for informal review may be filed for review at any time during the planned district process. The informal review is a request for feedback by the Planning and Zoning Commission on a proposal for a future sketch plan, preliminary development plan, final development plan, or amended final development plan. The application may contain any of the information an applicant is seeking feedback on including site layout, intended land uses, landscape treatment, architectural character, or other similar items. The Planning and Zoning Commission shall review an application based on the recommendation of the Zoning Administrator or their designee. Notice of an application shall be as specified in subsection (e) and no action will be taken by the Planning and Zoning Commission at the public hearing.

1135.03 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE.

- (a) Application for a zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the certificate shall expire and may be revoked if work has not begun within six months or substantially completed within one year. At a minimum, the application shall contain the following information and be accompanied by all required fees:
- (1) Name, address, and phone number of applicant;
 - (2) Legal description of property;
 - (3) Existing use;
 - (4) Proposed use;
 - (5) Zoning district;
 - (6) Plans ~~in triplicate~~ drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; the location and dimensions of the proposed building(s) or alteration; front, side, and rear yard setbacks;
 - (7) Building heights;
 - (8) Location and design of access drives;
 - (9) Number of dwelling units;
 - (10) If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted;
 - (11) A separate off-street parking and loading plan indicating the number of off-street parking spaces or loading spaces, and their layout, as specified in this Zoning Ordinance, and other such information;
 - (12) Such other documentation as may be necessary to determine compliance with all the applicable provisions of, and to provide for the enforcement of, this Zoning Ordinance;
 - (13) In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the Delaware County Health Department for the proposed method of water supply and/or disposal of sanitary wastes.
 - ~~(14) Documentation that the proposal has been submitted in writing to the homeowners association involved with the property in question, if architectural review is required by deed restriction and covenant, and that such submittal was received by the association.~~

1135.04 APPROVAL OF ZONING CERTIFICATE.

~~Within 30 days after the receipt of an application, the~~The Zoning Administrator or their designee shall either approve or disapprove the application in conformance with the provisions of the Zoning Ordinance. ~~If the application has involvement with a homeowner's association architectural review, as identified in Section 1135.03(a)(14), then the Zoning Administrator shall approve the zoning certificate if one of the following occur and all other zoning requirements are met:~~

- ~~(a) That the application has been approved by the association.~~

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(b) That more than 30 days have elapsed since such submittal and such submittal has not been denied by the homeowners association or the homeowners association has failed to take action in writing denying such application.

(c) That the homeowner association has acted in denying such application and listed the reasons behind such denial, but the Zoning Administrator finds the homeowner has made a good faith effort to accommodate the concerns of the homeowners association.

One copy of the plans shall be returned to the applicant by the Zoning Administrator, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Ordinance.

11.35.05 PERIOD OF EFFECTIVENESS OF A ZONING CERTIFICATE.

Any new proposed construction for which a Zoning Certificate is issued shall be commenced within six months of issuance of the certificate and the ground story framework, including structural parts of a second floor or roof shall have been completed within one year after the issuance of the Zoning Certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Zoning Administrator with the original request for the certificate.

1135.07 EXPIRATION OF ZONING CERTIFICATE.

If the work described in any zoning certificate has not ~~begun been completed within six months~~ one year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Administrator or their designee; and written notice thereof shall be given to the persons affected. The Zoning Administrator or their designee may grant a one-time extension of six months to an issued zoning certificate provided that the applicant contacts the Zoning Administrator or their designee at least 30 days prior to the expiration date. ~~If the work described in any zoning certificate has not been substantially completed within one year of the date of issuance thereof, as described in Section 1135.05, said certificate shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.~~

1143.11 PROCEDURES FOR APPROVAL OF PLANNED DISTRICT DEVELOPMENT PLANS.

Planned District Development Plans shall be approved in accordance with the procedures established herein in this section.

- (a) ~~Pre-application Meeting, otherwise known as a Sketch Plan Application.~~ The developer applicant shall meet with the City Manager, with the Zoning Administrator, and with the Planning and Zoning Commission prior to submission of a preliminary development plan file a sketch plan application in conformance with Section 1109.06 outlining their intent for developing a planned district for review by the Planning and Zoning Commission if one or more of the following conditions are met:-
 - (1) The proposal does not align with the future land use recommendations of the comprehensive plan;
 - (2) Except for properties zoned DR, Downtown Residence District or DB, Downtown Business District, the proposal includes new development on five (5) or more acres. For properties zoned DR, Downtown Residence District or DB, Downtown Business District, proposals for new development of one (1) or more acres shall require a Sketch Plan application;
 - (3) The proposal will be developed in three (3) or more phases; or,
 - (4) The proposal includes the creation of new public roadways or extension of existing public roadways.

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~~The purpose of such meetings this application is to discuss early and informally the purpose and effect of this Zoning Ordinance and the criteria and standards contained herein, and to familiarize the developer applicant with zoning and other applicable regulations; it being understood that no statements by officials of Powell, Ohio, or Planning and Zoning Commission members, made in such informal meetings shall be binding on either party. The Planning and Zoning Commission shall schedule a public hearing on a complete sketch plan application based on the recommendation of the Zoning Administrator or their designee.~~

- (b) ~~Filing of a Combined Preliminary and Final Development Plan. Upon approval of the Planning and Zoning Commission at the pre-application (Sketch Plan) meeting, and An applicant may be permitted to file a combined preliminary and final development plan following the.~~ Any combined application shall provide all application requirements as outlined in subsections (c) and (i) and shall follow the procedures as set forth in subsection (h) review procedures of a final development plan application hereof, as if the applicant had received approval in principal of the preliminary development plan.

(c) ~~Preliminary Planned District Development Plan Application Requirements.~~ An application for preliminary Planned District Development Plan approval shall be filed with the Zoning Administrator or their designee by the owner of the property for which Planned District development is proposed. At a minimum, the application shall contain the following information. Where any of this information is missing or incomplete, the Zoning Administrator or their designee shall ~~so~~ notify the applicant and no additional actions need be taken until such missing material is provided.

- (1) Name, address, and phone number of the applicant(s);
- (2) Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
- (3) Legal description of the property;
- (4) A description of present land use(s) ~~on and of the land~~;
- (5) A vicinity map ~~at a scale approved by the Zoning Inspector~~ showing all property lines, existing streets and alleys, approved future streets and land uses on adjacent Planned District areas, transportation and land use elements of the ~~Municipality's City's~~ adopted Comprehensive Plan, current zoning classifications and boundaries, and current land uses on the site of the proposed Planned District development and in the surrounding areas ~~to the physical extent deemed necessary by the Zoning Inspector~~, but no less than 250 feet beyond the limits of the proposed Planned District Development Plan.
- (6) A preliminary development plan ~~at a scale approved by the Zoning Administrator~~ illustrating:
 - A. The property line definition and dimensions of the perimeter of the site;
 - B. ~~Rights-of-ways~~ and paving widths of all existing, currently platted, and previously approved Planned District streets and alleys adjacent to, on, or abutting the site;
 - C. The area of the site and its subareas in acres;
 - D. The topography of the site and abutting areas at no more than ~~five-five-foot~~ contour intervals;
 - E. Existing surface drainageways and surface sheet flow patterns;
 - F. Flood plain areas, ravine-bottom areas, and areas of ground slope in excess of six percent;
 - G. Existing vegetation on the site with specific tree ~~spots-locations~~ for all trees six inches ~~in diameter~~ or greater diameter at breast height (DBH), ~~measured 24 inches from the ground~~;
 - H. Existing easements on the site with notations as to their type, extent, and nature;
 - I. The location and dimensions of existing utilities on and adjacent to the site, including the nearest sanitary sewer, with manhole invert elevations;
 - J. Calculation of the maximum residential units permitted on the site under the terms of this Zoning Ordinance, including delineation of the subdistricts of the site upon which these calculations have been made;
 - K. A preliminary plan and plat for the first, or next, phase of site development illustrating:
 1. New street centerlines, ~~rights-of-ways~~, and street classification types;
 2. Names of existing and proposed streets;

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3. Generalized lot and block layouts, indicating and illustrating property lines, minimum lot areas, minimum building setbacks and yards, location and extent of major off-street parking areas, etc.;
 4. Subareas of the site to be developed, by land use type, housing types, and housing densities, including subarea statistics;
 5. ~~All Location of~~ proposed structures shall be located showing including approximate square footage, ~~tenant or user~~ types, and expected primary entranceways, and associated service or loading areas;
 6. Common open areas, public lands, and natural scenic easements, including the area of each;
 7. Proposed landscape treatment of the site;
 8. Proposed utility patterns and provisions, including sanitary sewer, individual waste disposal systems, storm sewer, trash collection systems, outdoor lighting, and water supply, including relevant easements and engineering feasibility studies or other evidences of reasonableness;
 9. Provisions for accommodating surface drainage runoff;
 10. Proposed architectural design criteria, if applicable;
 11. Proposed pedestrian/jogging/bicycle pathways and equestrian paths, including locations, dimensions, landscape and construction, including relationships of such pathways to existing and proposed future pathways on surrounding property;
 12. Overall site development statistics comparing this plan for development with requirements of this Zoning Ordinance and with the comprehensive plan and indicating that all requirements of this Zoning Ordinance and the comprehensive plan have been met in this preliminary plan and will be met in final development, as well as any requested deviations from the Zoning Ordinance.
- L. Projected development schedule by subareas of the entire planned development site, and for the first, or next, phase of development, including land uses, public areas, natural and scenic reserves, streets, buildings, utilities, and other facilities, indicating the relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;
- M. An overall traffic scheme, illustrating points of access, parking areas, including the number of parking spaces and indicating visitor, employee and service traffic flow, illustrating calculated peak hour traffic use for residents and employees as well as deliveries and other transport and the effect-impact of this traffic on the ~~community traffic ways~~ City's road network.
- N. If to be developed in phases, the entire site development shall be described in outline and diagrammatic plan form, and in a complementing detailed text in a manner calculated to assure City officials that Planned Development requirements and other requirements of this Zoning Ordinance shall be met in the detailed development of the phases to follow, and that the entire Planned Development area will meet all of the requirements of this Zoning Ordinance, such diagrams and descriptive texts being accepted with, and becoming a part of the extended zoning plan for the entire site;

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- (7) Evidences, as determined by the Zoning Administrator ~~in his/her sole discretion or their designee,~~ of the ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan, and that the applicant has sufficient control over the land and financing to initiate the proposed development plan phase within two years;
 - (8) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project area by the developer;
 - (9) Verification by the owner of the property that all the information in the application is true and correct to the best of his knowledge.
 - (10) A statement of the character and nature of the development including the cost range or rent levels for housing in residential development and the general types of business or industrial and commercial developments.
 - (11) A statement of the general impact the development will have on the infrastructure, municipality and schools including projected demographics, a traffic impact study and a fiscal impact analysis may be required by the Planning and Zoning Commission.
 - (12) A fee as established by ordinance.
- (d) *Planning and Zoning Commission Public Hearing.* The Planning and Zoning Commission shall schedule a public hearing on ~~the a complete preliminary development plan application for approval of the preliminary development plan not less than ten or more than 40 days from the date of filing of a completed application and certification by the~~ based on the recommendation of the Zoning Administrator or their designee. The recommendation will include analysis of how the preliminary development plan meets the requirements of this Zoning Ordinance, the comprehensive plan, and other applicable City policies, that to the best of his knowledge the preliminary development plan application is complete and that the preliminary development plan, as best he can determine, meets all of the requirements of this Zoning Ordinance and the comprehensive plan.
- (e) *Notice of Public Hearing.*
- (1) Before holding the public hearing, notice of such Commission hearing shall be given on the ~~Municipality of Powell~~ City's website at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, a general description of the planned district development, and a statement that, after the public hearing and after submission of a final development plan, the matter will be referred to the Council for further determination.
 - (2) ~~Also before holding the public hearing, written~~ Written notice of such hearing shall be sent ~~by the Planning and Zoning Commission by first class mail,~~ at least ten days before the hearing, to all owners of property ~~Contiguous to, directly across the street from and~~ within 250 feet of the property in question and to ~~such~~ others interested parties identified by the Commission ~~determines should receive such notice.~~ Notices to individual property owners shall contain the same information as required of notices published on the City's website.
- (f) *Public Access to Proposed Planned District Plans.* For a period of at least ten days prior to the public hearing by the Planning and Zoning Commission, all ~~papers~~ information relating to the planned district development plan shall be available for public inspection ~~in the office of the Zoning Administrator or on the Municipality of Powell website.~~
- (g) *Approval in Principle of Action on a Preliminary Development Plan.* ~~Within 30 days after the public hearing,~~ The Planning and Zoning Commission shall review the preliminary development plan to determine if it is consistent with the intent of this Zoning Ordinance and meets or otherwise justifies modification of all of its requirements other applicable City policies, as determined by the Planning and Zoning Commission. If it does, the Commission shall approve the preliminary development plan ~~in~~

principle. If it does not, the Commission shall either recommend supplementary conditions to address outstanding items or recommend changes and additions needed for approval and await a resubmission.

In approving reviewing a preliminary development plan in-principle, the Planning and Zoning Commission shall consider:

- (1) If the proposed development is consistent with the intent and requirements of this Zoning Ordinance;
- (2) The appropriateness of the proposed land uses with regard to their type, location, amount, and intensity, where not specifically specified in this Zoning Ordinance;
- (3) The relationships between uses, and between uses and public facilities, streets, and pathways;
- (4) Adequacy of provisions for traffic and circulation, and the geometry and characteristics of street and pathway systems;
- (5) Adequacy of yard spaces and uses at the periphery of the development;
- (6) Adequacy of open spaces and natural preserves and their relationships to land use areas and public accessways;
- (7) The order, or phases, in which the development will occur and the land uses and quantities to be developed at each phase;
- (8) Estimates of the time required to complete the development and its various phases;
- (9) Improvements to be made by the Municipality, if any, and their cost;
- (10) The community cost of providing public services to the development, and
- (11) Impacts of the development on surrounding or adjacent areas.

~~The Planning and Zoning Commission may require the staging of the planned development to minimize early stage major impacts on the community infrastructure and services systems, and may require the staging of land uses to be generally consistent with the phased development of supporting land uses and public services and facilities.~~

The Commission's approval in-principle of the preliminary development plan shall be necessary before an applicant may submit a final development plan. Approval in-principle shall not be construed to endorse a precise location of uses, configuration of parcels, or engineering feasibility.

(h) *Submission of Final Development Plan.*

- ~~(1) After approval in-principle of the preliminary development plan, the developer-applicant shall submit a final development plan to the Zoning Administrator for review. The final development plan shall be in general conformance with the preliminary development plan that was approved in-principle. For the purposes of this Zoning Ordinance, submission of a final development plan is a formal request for an amendment addition to the zoning of the property in question, and upon final approval by Council becomes the zoning of the property in question in addition to the other requirements of this Zoning Ordinance. approval of a specific phase or phases of development that is consistent with the intent of this Zoning Ordinance, the comprehensive plan, and other applicable City policies.~~
- ~~(2) Copies of the final development plan as specified by the Zoning Administrator shall be submitted and may be endorsed by a qualified professional team which should include an urban planner, licensed architect, registered land surveyor, registered civil engineer, and registered landscape architect.~~

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(i) *Final Development Plan Application Contents.* An application for ~~approval of the~~ final development plan shall be filed with the Zoning Administrator ~~or their designee~~ by the owner of the property ~~or their representative for which planned district development is proposed.~~ Each application shall be signed by the owner, attesting to the truth and exactness of all information supplied on the application for the final development plan. ~~Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two years from the date of issuance of the approval.~~ At a minimum, the application shall contain:

- (1) All of the information required for submission of the preliminary planned district development plan application;
- (2) All plan materials rendered on an engineering survey of the proposed development site, showing the dimensions and bearings of property lines, property areas in acres, topography, existing features of the development site including major wooded areas, structures, easements, utility lines, land uses, and maximum building footprint areas for all non-residential uses and residential uses other than single-family detached and two-family dwellings;
- (3) Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone, and natural gas installations; waste disposal facilities; street improvements; and the nature and extent of earthwork required for site preparation and development.
- (4) A detailed landscape plan showing existing and proposed future landscape materials, ground cover, paving patterns and materials.

~~(5) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained, and~~

~~(6) A final development plan fee as established by Ordinance.~~

(j) *Public Hearing by Planning and Zoning Commission Public Hearing.* ~~The Planning and Zoning Commission shall schedule a public hearing on a complete final development plan application based on the recommendation of the Zoning Administrator or their designee. The recommendation will include analysis of how the final development plan adheres to the approved preliminary development plan and meets the requirements of this Zoning Ordinance, the comprehensive plan, and other applicable City policies. Within 30 days after submission of a completed application for a final development plan and certification by the Zoning Administrator that the plan application is complete and that to the best of his knowledge the plan meets the requirements of this Ordinance and is in compliance with the preliminary development plan that was approved in principle, the Planning and Zoning Commission shall hold a public hearing.~~ Notice and public inspection of the application shall be as specified in subsections (e) and (f).

(k) *Recommendation by the Planning and Zoning Commission.* ~~Within 30 days after the Public Hearing on the final development plan the~~ The Planning and Zoning Commission shall ~~review a final development plan to determine if it is consistent with the intent of this Zoning Ordinance and other applicable City policies. The Planning and Zoning Commission shall make a recommendation to City Council recommend that the final development plan be approved as presented, approved with supplementary conditions, or disapproved, and shall transmit all papers constituting the record and the recommendations to Council.~~

Before making its recommendation, the Planning and Zoning Commission shall ~~find that the facts submitted with the application and presented at the public hearing establish that~~ consider:

- (1) The proposed ~~planned district~~ development phase(s) can be initiated within two years of the date of approval and can be completed within five years;

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- (2) The requirements of the Comprehensive Plan relative to the site at issue have been fulfilled;
 - (3) The streets proposed are suitable and adequate to carry the anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned district plan area;
 - (4) Proposed non-residential developments can be justified at the location and in the amounts proposed;
 - (5) Housing densities are warranted by amenities and conditions incorporated in the final development plan and are in accordance with these planned district development requirements;
 - (6) Lands to be dedicated to public use are of acceptable and usable size, shape, and location;
 - (7) The area surrounding the development can be planned and zoned in coordination with and in substantial compatibility with the proposed development;
 - (8) The existing and proposed utility services are adequate for the population densities and uses proposed, and
 - (9) Adequate provision has been made for the detention and channelization of surface drainage runoff.
- (l) *Public Hearing by Council.* After receiving the recommendation from the Planning and Zoning Commission, the City Council shall hold a public hearing on the ~~planned district~~ final development plan within a reasonable time.
- (m) *Notice of Public Hearing by Council.*
- (1) Before holding its public hearing, notice of such hearing shall be given on the ~~Municipality of Powell City's~~ website at least ten days before the hearing. The notice shall set forth the time and place of the public hearing, the nature and general description and summary of the planned district development, and a statement that all papers relating to the planned district development are on file with the Clerk and are open for public inspection.
 - (2) Written notice of the hearing ~~on the planned district development~~ shall be mailed ~~by the Clerk by first class mail~~, at least ten days before the date of the public hearing, to all owners of property ~~contiguous to, directly across the street from and~~ within 250 feet of the proposed planned district development and to ~~such other interested parties as identified by Council may determine should receive such notice.~~ Notices to individual property owners should contain the same information as required of notices published on the City's website.
- (n) *Action by Council.* ~~After the public hearing, the~~ Council shall review a final development plan based on the recommendation of the Planning and Zoning Commission to determine if it is consistent with the intent of this Zoning Ordinance and other applicable City policies. If it does, the Council shall approve the final development plan by ordinance. If it does not, the Council shall either recommend supplementary conditions to address outstanding items or recommend changes and additions needed for approval and await resubmission, either adopt or deny the recommendation of the Planning and Zoning Commission or adopt some modification thereof. In the event Council makes a substantial change to the recommendation of the Planning and Zoning Commission, it must do so by a vote of not less than three-fourths (six) of all Members of Council or by approval of a majority of all members of Council (four) and subsequent approval by the Planning and Zoning Commission. If approved by a majority of Council with a substantial change but by less than three-fourths, such ordinance with proposed substantial change stated separately shall be submitted to the Planning and Zoning Commission at the next regularly scheduled meeting. If approved by the Commission, then such ordinance with the substantial change shall take effect. If not approved by the Commission, then at the next scheduled Council meeting, Council shall adopt or deny the recommendation of the Planning and

~~Zoning Commission without the substantial changes or adopt the Commission's recommendations with substantial changes with not less than three-fourths (six) of all members of Council. No such Ordinance shall be passed unless it has been fully and distinctly read on two different days and no Ordinance in accordance with the recommendation of the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the full membership of Council. The Council shall be deemed to have rejected the recommendation of the Planning and Zoning Commission when less than a majority of its members (four) vote for its adoption.~~

- (o) *Supplementary Conditions and Safeguards.* In approving any ~~planned district~~final development plan application, both the Planning and Zoning Commission and the Council may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Any violation of such conditions or safeguards, which have been made a part of the terms under which the final development plan has been approved, shall constitute a violation of this Zoning Ordinance and shall be punishable as such.
- (p) *Expiration of Approval Period.* The approval of a final development plan ~~for a planned district development shall~~ be for a period not to exceed five years to allow for preparation and recording of the required subdivision plat and development of the project. Where a project is completed within five years, the approved final development plan shall remain as the effective zoning control over the area included in the plan, in addition to the requirements of this Zoning Ordinance. If required plats are not properly recorded and/or if no construction has begun on the site within two years of such approval, the approved final development plan shall be void unless an application for a time extension is submitted and approved, ~~which approval may be withheld for good cause.~~
- (q) *Extension of Time Limit.* An extension of the time limits set in subsection (p) hereof, as a modification of the approved final development plan, may be approved by Council upon the recommendation of the Planning and Zoning Commission. Such approval shall be granted only upon a finding of a valid purpose and necessity for such extension and evidences of reasonable and diligent efforts toward accomplishment of the original development plan within the originally established time limits, and upon finding that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Administrator or their designee not later than 30 days before the expiration of the time limits set in subsection (p) ~~hereof.~~
- (r) *~~Amendment or Alteration of Approved Planned District~~Amended Final Development Plans.* Once a final development plan ~~for a planned district~~ has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute an amended plan ~~and repatriation of the procedures established in these sections.~~ "Substantial change" for the purposes of this section shall mean any modification of an approved ~~planned district~~final development plan, as determined by the Zoning Administrator or their designee, that results in:
- (1) Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
 - (2) Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
 - (3) Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than 30 feet;
 - (4) Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;
 - (5) Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system

of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;

- (6) Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.
 - (s) Subsequent Zoning Amendments Initiated by Other Than Outside the Planned District Processes. No zoning amendment passed during the time period granted for the initiation and completion of an approved final development plan shall in any way affect the terms under which the approval of the planned district development was granted.
 - (t) Plat Required.
 - (1) In a Planned District, no use shall be established or changed and no structure shall be constructed or altered until any required subdivision plat has been prepared and recorded in accordance with the Development Regulations.
 - (2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond, or other such alternative form of surety as approved by the City Law Director, in favor of the appropriate public officers in a satisfactory amount assuring the expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time as the facilities for the phase in which the building or use is located are completed.
 - (u) Administrative Review Application. An application for an administrative review is a request for action by the Zoning Administrator or their designee on a proposal that is not considered a "substantial change" through an amended final development plan. The application may contain any of the information an applicant is seeking action on including site layout, intended land uses, landscape treatment, architectural character, or other similar items. The Zoning Administrator or their designee shall review the request to ensure it is in keeping with the intent of this zoning ordinance and all applicable approved development plans. The Planning and Zoning Commission may review an application based on the recommendation of the Zoning Administrator or their designee. Notice of Planning and Zoning Commission review of an application shall be as specified in subsection (e).
 - (v) Informal Review Application. An application for informal review may be filed for review at any time during the planned district process. The informal review is a request for feedback by the Planning and Zoning Commission on a proposal for a future sketch plan, preliminary development plan, final development plan, or amended final development plan. The application may contain any of the information an applicant is seeking feedback on including site layout, intended land uses, landscape treatment, architectural character, or other similar items. The Planning and Zoning Commission shall review an application based on the recommendation of the Zoning Administrator or their designee. Notice of an application shall be as specified in subsection (e) and no action will be taken by the Planning and Zoning Commission at the public hearing.
- All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, to the Planning and Zoning Commission, and to the Council or to their designated technical advisors upon request for administrative review to assure substantial compliance with the final approved development plan.

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