

CHAPTER 520
Development Plan Review

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SECTION 520.01 INTENT.

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses permitted or conditionally 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.

SECTION 520.02 DEVELOPMENT PLAN REVIEW REQUIRED.

- (a) The Zoning Commission shall review development plans for the following, and make its recommendations for approval, disapproval, or modification to the Board of Trustees:
- (1) New construction of all permitted uses in multi-family, business, commercial and industrial districts;
 - (2) Any existing or previously approved development meeting the criteria of (a) above which 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.
 - (3) Any planned residential development.
- (b) The Board of Zoning Appeals shall review development plans for conditional uses when the conditional use involves new construction of a building or structure or any change or alteration to a condition use that expands the floor area of the permitted use, increases the number of dwelling units in a multi-family development, or changes the use which requires an increase in the amount of parking or a change in the site's circulation.

SECTION 520.03 SUBMISSION OF A GENERAL DEVELOPMENT PLAN FOR PLANNED RESIDENTIAL DEVELOPMENTS (PRD).

An application for a proposed Planned Residential Development shall include the review and approval of a general development plan which shall include the entire area of the proposed PRD.

- (a) The general development plan for the entire area shall indicate:
 - (1) The location of all existing structures, parking areas, and access points and the general location of all proposed structures, parking areas, and access points;
 - (2) Existing and proposed topography, major vegetation features, and wooded areas;
 - (3) The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.
 - (4) The general location of required open space areas.
 - (5) A summary table showing total acres of the proposed development, the number of acres devoted to each type of residential use including streets and open space and the number of dwelling units by type;
 - (6) Such other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.
- (b) The Zoning Commission shall accept an application for proposed general development plan review no later than thirty one (31) days from when the application was deemed complete by the Zoning Inspector pursuant to Section 520.05 of this Resolution.
- (c) The Zoning Commission shall review the proposed general development plan at public hearing no later than thirty one (31) days from when the application was accepted by the Zoning Commission.
- (d) In recommending approval of a general development plan, the Zoning Commission shall determine that:
 - (1) The general development plan is consistent with the Comprehensive Land Use Plan.
 - (2) The appropriate use and value of property within and adjacent to the area will be safeguarded.

- (3) The development will result in an harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
 - (4) The development will have adequate open spaces that meet the objectives of the Comprehensive Plan.
- (e) The Zoning Commission shall either:
- (1) Recommend approval of the general development plan as submitted; or
 - (2) Recommend approval of the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building 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) Recommend denial of the development plan. If the Commission finds that a proposed plan does not meet the requirements and purposes of these regulations, it shall deny the plan and shall submit its findings in writing, to the applicant, upon the applicant's request.

Upon such action, the Zoning Commission shall submit its recommendation to the Board of Trustees which shall conduct a review of the action of the Zoning Commission at a public hearing, which hearing shall be conducted within thirty (30) days after the recommendation of the Zoning Commission is received, and shall either adopt, modify, or deny the recommendation of the Zoning Commission for approval of the proposed development.

- (f) The general development plan for each planned residential development recommended for approval as presented or as modified shall be submitted by the Zoning Commission to the Board of Trustees and approved by the Board of Trustees as presented or as further modified,, prior to final plat approval by the Cuyahoga County Planning Commission. Likewise, the final subdivision plat shall be in substantial conformance with the general development plan approved by the Township, all pursuant to County Subdivision Recommendations.
- (g) An approved general development plan shall remain valid for a period of 12 months following the date of its approval, unless the Board of Trustees authorizes a longer period at the time of approval. If, at the end of that time, a final development plan has not been submitted to the Board of Trustees, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved by the Board of Trustees.

SECTION 520.04 SUBMISSION OF A FINAL DEVELOPMENT PLAN.

The final 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 final development plan review shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector:

- (a) An accurate legal description prepared by 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 indicating:
 - (1) 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;
 - (2) 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;
 - (3) Adjacent streets and property including lot lines, buildings, parking and drives within 200 feet of the site;
 - (4) Proposed and existing fences, walls, signs, 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 lots, drives and walkways.
- (d) 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;

- (e) Proposed landscaping and screening plans 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;
- (f) Preliminary architectural sketches of buildings and other structures, floor plans, site construction materials and signs;
- (g) 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;
- (h) Other features necessary for the evaluation of the development plan as deemed necessary by the Zoning Inspector or Zoning Commission (or Board of Zoning appeals for Conditional Uses).

SECTION 520.05 REVIEW FOR COMPLETENESS.

The Zoning Inspector shall within two weeks of receiving a submitted application for a general development plan or a final development plan review it to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Zoning Commission.

SECTION 520.06 DISTRIBUTION OF PLANS.

The application shall be transmitted to the Zoning Commission as well as other agencies as follows:

- (a) The application may be transmitted to appropriate administrative departments, and professional consultants for review and comment.
- (b) Any reports, comments, or expert opinions shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission prior to the time of the Commission's review.

SECTION 520.07 ZONING COMMISSION REVIEW.

- (a) Review Criteria. The Zoning Commission shall review the application to determine that such application complies with the zoning requirements of the district in which the proposed development is located.
- (b) Requests for Additional Information. The Zoning Commission may request that the applicant supply additional information that the Commission deems necessary to adequately review and evaluate the proposed development.
- (c) Informal Meetings. In reviewing any application, the Zoning Commission may meet informally with the applicant, however, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Commission.
- (d) Public Hearing. A public hearing on the application shall be scheduled within thirty one (31) days from when the application was deemed complete as set forth in Section 520.05.

SECTION 520.08 ZONING COMMISSION DETERMINATION.

In recommending approval of a final development plan, the Zoning Commission shall find that:

- (a) The plan is consistent with any plan for the orderly development of the Township.
- (b) The appropriate use and value of property within and adjacent to the area will be safeguarded.
- (c) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.
- (d) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
- (e) The development will have adequate public service and open spaces.
- (f) The development will preserve and be sensitive to the natural characteristics of the site in a manner which is in compliance with the applicable regulations set forth in this Resolution.
- (g) Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, and shall comply with the applicable regulations in this

Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.

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

SECTION 520.09 RECOMMENDATION BY ZONING COMMISSION AND ACTION BY BOARD OF TRUSTEES.

The Zoning Commission shall recommend either:

- (a) Approval of the development plan as submitted; or
- (b) Approval of the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the yard layout, open space arrangement, on-site control of access to streets or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments; or
- (c) Denial of the development plan. If the Commission finds that a proposed plan does not meet the requirements and purposes of these regulations, it shall deny the plan and shall submit its findings in writing, to the applicant, upon the applicant's request.

The final development plan for each planned residential development recommended for approval as presented or approved subject to conditions as aforesaid, or denied, shall be submitted in writing immediately to the Board of Trustees for approval, approval with further conditions, or disapproval, which action shall be taken at the next regular meeting of the Board of Trustees after the action taken by the Zoning Commission. Such action shall be pursuant to a hearing at which the applicant and other interested persons may be present and be heard.

SECTION 520.10 SIGNIFICANCE OF AN APPROVED PLAN; PLAN REVISIONS.

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

SECTION 520.11 LAPSE OF APPROVAL.

An approved plan shall remain valid for a period of 12 months following the date of its approval unless the Board of Trustees authorizes a longer period at the time of approval. If, at the end of that time, construction has not begun, then approval of such plan shall expire and shall be of no effect unless resubmitted and reapproved by the Board of Trustees. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

