
Chapter 1115

Process and Procedures

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1115.01 General Requirements

The following requirements apply generally throughout this article:

- (a) All applications for the Planning Commission approval will first be reviewed by the TRC for completeness. The City Engineer will prepare a recommendation and will make a presentation at the Planning Commission meeting.
- (b) All application for Appeals Board approval or review shall be made to the Zoning Official and shall be reviewed by the TRC for completeness. The Zoning Official will prepare a report with recommendations and will make a presentation at Appeals Board.
- (c) All applications for permits, administrative approvals or other approvals shall be made to either the Zoning Official or the City Engineer, as required by this UDO.
- (d) No amendments to the UDO shall be effective until 30 days after approval by City Council unless otherwise indicated by emergency legislation.

1115.02 Consolidating Approvals

Where possible, this Section intends to accommodate the simultaneous processing of applications for different permits and approvals which may be required for the same development project in order to make the review process as short as possible. Such possibilities for concurrent filing and processing of applications include, but are not limited to, the following:

- (a) A Rezoning and an Overlay District;
- (b) An Overlay District along with a Subdivision;
- (c) A Conditional Use along with an Overlay District;
- (d) A Conditional Use along with a Rezoning,
- (e) A Conditional Use along with Major or Minor Site Plan;
- (f) A Variance along with a Preliminary Subdivision Plan, a Preliminary Development Plan, or a major or minor Site Plan;
- (g) A Variance along with a Conditional Use; or
- (h) A Variance along with a Major Accessory Use.

1115.03 Annexation

- (a) Where land previously zoned by another jurisdiction is annexed to the City, the same shall be zoned in the same Zoning District as land that is already within the City and immediately adjacent to the land to be annexed.
- (b) If the land immediately adjacent to the land to be annexed consists of more than one Zoning District, the land to be annexed shall be zoned in the same Zoning District that the majority of the land adjacent to it is located in.
- (c) Land not zoned prior to annexation shall be classified in the same manner into whichever district of this UDO most closely conforms to the existing use of the annexed area or in accordance with the Comprehensive Development Plan in the case of vacant land. Building permits may be issued only after the City has given the land its permanent zoning classification.
- (d) In all cases, within three (3) months after the effective date of annexation, the Planning Commission shall recommend the appropriate permanent zoning districts for such area to Council, and the Official Zoning District Map shall be amended according to the prescribed procedure set forth in section 1115.04.

1115.04 UDO and Official Zoning Map Amendments

- (a) **Definition:** Zoning amendments are legislative actions that make amendments to the Official Zoning Map and/or to the UDO text. Amendments may be initiated by the owners of the property or their designated representative; by the Planning Commission, upon its own motion; or upon the recommendation to Planning Commission from City Council. After the City Engineer and the TRC review the proposed amendment, the Planning Commission shall make a recommendation on the amendment to Council, and Council either approves or disapproves the amendment.
- (b) **Initiation of Amendments:**
- (1) Amendments may be initiated in one of the following ways:
 - A. By the filing of an application to the Planning Commission by the owners of property proposed to be rezoned by the amendment, or their designated representative;
 - B. By the adoption of a motion by the Planning Commission; or
 - C. By the adoption of a motion by Council and referral to the Planning Commission.
 - (2) All text and map amendments shall follow the same procedure. Council initiated text or map amendments shall be referred to the Planning Commission for recommendation, prior to Council consideration.
- (c) **Submittal Requirements:**
- (1) Each request for a Zoning Amendment shall include an application form, provided by the City, with the submittal;
 - (2) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (3) Legal description of the parcel(s) to be rezoned, drawn by a surveyor registered in the State of Ohio;
 - (4) A statement of the reason(s) for the proposed amendment;
 - (5) Present use and zoning district;
 - (6) Proposed use and zoning district of the subject site;
 - (7) A list of all owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists);
 - (8) A vicinity map at a scale approved by the City Engineer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the City Engineer may require;
 - (9) A statement on the ways in which the proposed amendment relates to the Comprehensive Development Plan;
 - (10) The payment of the application fee as established in section 1105.09; and
 - (11) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (12) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City.

- (d) **Amendment Process:** Amendments to the UDO text or map shall be submitted and reviewed according to the following steps:
- (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application for an amendment. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Engineer shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications will be forwarded to the Planning Commission.
 - (4) **Notice of Public Hearing before Planning Commission:** Upon determination by the TRC that an application contains all the necessary and required information, the City Engineer shall place the application on Planning Commission's agenda and schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment. The text of the proposed amendment, maps, and plans (if applicable) shall be kept on file for public examination in the office of the City Engineer.
 - (5) **Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.

- (6) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.
- (7) **Planning Commission Hearing and Recommendation:** The Planning Commission shall review the application and recommend to City Council that the amendment be granted as requested; be granted as modified by Planning Commission; or be denied. The Planning Commission shall indicate specific reasons for its recommendation.
- (8) **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment.
- (9) **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (10) **Action by City Council:** After holding the public hearing, City Council shall either: approve the amendment, approve the amendment with modifications, or deny the amendment.
- (e) Standards for Approval: The Planning Commission and the City Council shall consider the following criteria in approving all zoning amendments:
- (1) The proposed zoning district classification and use of the land will not materially endanger the public health or safety; and
 - (2) The proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region; and
 - (3) The proposed zoning district classification and use of the land will not substantially injure the value of the abutting property; and
 - (4) The proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located; and
 - (5) The proposed zoning district classification and use of the land will generally conform with the Comprehensive Land Development Plan and other official plans of the City, unless actual development within the area or changes in the conditions of the area makes

- conforming to the Comprehensive Development Plan impractical;
and
- (6) The proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and
 - (7) The proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.
- (f) Effective Date: If approved, the amendment shall be effective thirty (30) days following approval by Council, unless otherwise indicated by emergency legislation.

1115.05 Planned Unit Developments and Planned Residential Conservation Developments

- (a) An applicant seeking a Planned Unit Development (PUD) or a Planned Residential Conservation Development (PRCD) is seeking to have Council make a change to the Official Zoning Map by application of an Overlay District; thus, decisions on such applications are legislative in nature.
- (b) General Submittal Requirements: The following general requirements shall apply to PUDs and PRCDs, in addition to the specific submittal requirements for PUDs (section 1109.05) and PRCDs (section 1109.06) contained in Chapter 1109 of this UDO:
- (1) Each request for a PUD or a PRCD shall include an application form, provided by the City, with the submittal;
 - (2) Legal description of property or portion thereof;
 - (3) Payment of the application fee as established by section 1105.09; and
 - (4) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (5) A list of all owners of property that are contiguous to the parcel or lot proposed for the PUD or PRCD Overlay District or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists); and
 - (6) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (7) The TRC shall make the determination as to completeness, and only complete applications and Development Plans shall be processed by the City.
- (c) Development Plans: In addition to the specific requirements for PUD Development Plans (section 1109.05(d) and (g)) and PRCD Development Plans (section 1109.06(i) and (l)), the following information shall be provided with a Development Plan at the time of submittal:
- (1) A **General Supporting Statement**. This is a narrative that explains what is being proposed and why. The narrative shall explain the development proposal in context of existing structures on the property and adjoining properties and shall provide the approximate allocation of land use by acreage and type and shall provide an estimate of the population of the project at build-out;
 - (2) An **Existing Conditions Plan** at a scale not less than one inch equals fifty feet (1" = 50') indicating existing topography, property boundaries, trees, structures, pavements, utilities, and the location of existing directly adjacent properties and their structures;
 - (3) Proposed **Site Plan** at not less than one inch equals one hundred feet (1" = 100') scale indicating pavement, structures, service areas, loading areas, parking circulation, trash dumpsters, setbacks, vegetation to remain, points of access, required screens and buffers, and related site improvements. This plan shall include the location of existing contiguous properties and their structures;

- (4) Conceptual **Architectural Design** and landscape planting;
 - (5) Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be no less than one inch equals forty feet (1"= 40'); and
 - (6) Engineering feasibility comments, report or study from a civil engineer for water, sanitary sewer and storm water utilities.
- (d) Procedures - Applications and Preliminary Development Plans:
- (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application and Preliminary Development Plan. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application and Preliminary Development Plan meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application and Plan, the City Engineer shall forward the application and Preliminary Development Plan to the TRC. The TRC shall review the application and Plan for completeness, and if the application and/or Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on until all necessary and required information has been provided. If the application and Plan are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications and Preliminary Plans will be forwarded to the Planning Commission.
 - (4) **Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:
 - A. Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency;
 - B. Other agencies that, at the discretion of the City, may have appropriate technical expertise;
 - C. Appropriate local City administrative officials, including the Law Director; and/or
 - D. Consultants retained by the City.
 - (5) **Notice of Public Hearing before Planning Commission:** Upon determination by the TRC that an application and Preliminary Development Plan contains all the necessary and required information and completion of review of the Plan by others, the City Engineer shall place the application and Plan on Planning Commission's agenda and schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application and

Preliminary Development Plan. The application and Plan shall be kept on file for public examination in the office of the City Engineer.

- (6) **Notice to Property Owners of Public Hearing before Planning Commission:** If the proposed Overlay District intends to apply to ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.
- (8) **Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
- (9) **Review and Recommendation by Planning Commission:** The Planning Commission shall review the application and recommend to City Council that the PUD/PRCD be granted as requested; be granted as modified by the Planning Commission; or be denied.
- (10) **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed Overlay District. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application.
- (11) **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (12) **Action by City Council:** After holding the public hearing, City Council shall approve the application and Preliminary Plan; deny the application and Preliminary Plan; or approve the application

and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.

(e) Procedures - Final Development Plans:

- (1) **Review for Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application and Plan are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
- (2) **Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.
- (3) **Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this Section.
- (4) **Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance and compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:
 - A. Approving the Final Development Plan as submitted; or
 - B. Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement, or
 - C. Denying approval of the Final Development Plan.
- (5) **Referral to Council:** The Final Development Plan for a PUD or PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.

- (f) Requirements:
- (1) **PUDs:** All applications and Development Plans for PUDs shall be reviewed for their compliance with the PUD requirements outlined in section 1109.05(c) and the City's Development Requirements and Standards contained in Chapter 1111.
 - (2) **PRCDs:** All applications and Development Plans for PRCDs shall be reviewed for their compliance with the PRCD requirements outlined in section 1109.06(g) and (h) and the City's Development Requirements and Standards contained in Chapter 1111.
- (g) Standards for Approval:
- (1) **PUDs:** The Planning Commission and the City Council shall consider the following criteria in approving applications and Development Plans for PUDs:
 - A. It fully complies with the applicable requirements of this UDO;
 - B. It meets the General Standards for Review outlined in section 1109.05(i) and the Specific Standards outlined in section 1109.05(j);
 - C. It is not detrimental to other property or other uses located on the same property;
 - D. It is not detrimental to other development on nearby property;
 - E. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
 - F. It provides safe ingress and egress to emergency vehicles on the site.
 - (2) **PRCDs:** The Planning Commission and the City Council shall consider the following criteria in approving applications and Development Plans for PRCDs:
 - A. It fully complies with the applicable requirements of this UDO;
 - B. It meets the General Standards for Review outlined in section 1109.06(n);
 - C. It is not detrimental to other property or other uses located on the same property;
 - D. It is not detrimental to other development on nearby property;
 - E. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
 - F. It provides safe ingress and egress to emergency vehicles on the site.
- (h) Effect of Approval:
- (1) If approved, the application and Final Development Plan shall be effective thirty (30) days following approval by Council, unless otherwise indicated by emergency legislation.
 - (2) A PUD Final Development Plan or a PRCD Final Development Plan, as approved by City Council after recommendation from the Planning Commission, shall constitute an amendment to the Franklin Zoning Map as it applies to the land included in the approved amendment. Detailed Site Plan or Subdivision approval is assured based on good faith compliance with the approved Final Development Plan. The PUD or PRCD approval shall be for a period of one (1) year to allow for the submission of a Certificate of Zoning Compliance or a Final Plat if a subdivision was not

submitted with the Development Plan. Unless the required Certificate of Zoning Compliance, or Final Plat if the subdivision was not submitted with the Development Plan, is properly requested and approved within the one (1) year period, the PUD or PRCD approval shall be voided and the land shall revert to its last previous zoning district without the Overlay District, unless an application for time extension is submitted to and approved by Council. No more than two six (6) month extensions shall be granted.

- (3) **Transfer of Lots:** No lots within a PUD/PRCD or any section thereof may be transferred until Final Development Plan for the PUD/PRCD has been recorded in the Warren County Recorder's Office.
- (i) Development:
- (1) **Requirements:** Before beginning construction on any improvements within PUD/PRCD or any section thereof, the Developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
- (2) **Construction Plans:** Before beginning work on the improvements in a PUD/PRCD any section thereof, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:
- A. The centerline profile of each proposed street, with tentative grades indicated;
 - B. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 - C. The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - D. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 - E. A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k).
 - F. A Landscaping Plan, as may be required by section 1111.06;
 - G. An Engineer's estimate of the total cost of the contemplated public improvements for the subdivision or section thereof; and
 - H. Any other information needed to show that the proposed improvements comply with this UDO.
- (3) **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure for the development, or section for which the Developer is seeking approval, is constructed in the manner and time frame required.

- (4) **Inspection Fees:** In accordance with section 1111.03(c), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed
- (5) **Approval:** Before beginning construction on any improvements within the PUD/PRCD or any section thereof, the Developer must have obtained approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.
- (6) **Changes or Additions:** After A PUD or PRCD General Development Plan has been approved by the Planning Commission, and in the course of carrying out the Plan, adjustments or rearrangements of buildings, drives, parking areas, recreation areas, entrances, heights, yards or similar modifications, may be requested by the Developer(s).
 - A. *Minor Changes:* The City Engineer shall review and approve or disapprove amendments to Development Plans, as shown on the Construction Plans, if the change involves twenty five percent (25%) or less of the original floor area, or less than ten thousand square feet (10,000 sq. ft.).
 - B. *Major Changes:* Amendments to Development Plans, as shown on the Construction Plans, exceeding twenty five percent (25%) of the original floor area, or ten thousand square feet (10,000 sq. ft.), shall be reviewed and approved or disapproved by the Planning Commission, in accordance with section 1109.05(1) for PUDs, and in accordance with section 1109.06(p) for PRCDs.
 - C. Any Construction Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
- (7) **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
- (8) **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.
- (9) **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Construction Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Plans shall be filed with the City Engineer. No further development in the PUD or PRCD shall be permitted until the Construction Plans are recorded as required.

- (10) **Certificate of Occupancy:** No Certificates of Occupancy for any buildings or structures within the PUD or PRCD will be issued by the City until Construction Plans for the PUD or PRCD, or for a section thereof, have been approved and recorded as required by this Section.
- (11) **Development in Sections:** If the Developer chose to develop the PUD or PRCD in Sections, upon full build-out of the PUD or PRCD, the Developer shall prepare an updated Final Development Plan showing the exact location of all installed improvements, all easements and all buildings. This updated Final Development Plan shall be forwarded to the City for all required signatures at the time the Construction Plans for the final section are also forwarded for signatures, in accordance with subsection (9), above. Once the appropriate officials have properly signed the Plans, the applicant shall record the updated Final Development Plan with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Development Plan shall be filed with the City Engineer.
- (j) Regulation Concerning Required Improvements:
- (1) **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
- (2) **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits shall be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
- (3) **Completion of Construction:** The construction of all public improvements shown on the approved Construction Plans must be completed within two (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.
- (4) **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.

1115.06 Major Subdivisions

- (a) A Major Subdivision is a platting of land for the purposes of development and transfer of ownership. It requires approval of a Preliminary Plat by the Planning Commission, approval of a Final Plat by the Planning Commission, acceptance by Council, and recording of the Final Plat prior to the transfer of land. Before any land is subdivided into a Major Subdivision, the owner of the property proposed to be subdivided, or his/her/its authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures of this Section.
- (b) General Submittal Requirements: The following general requirements shall apply:
- (1) Each request for a Subdivision shall include an application form, provided by the City, with the submittal;
 - (2) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; and
 - (3) Legal Description of property or portion thereof;
 - (4) A list of all owners of property that are contiguous to the parcel or lot proposed to be subdivided or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
 - (5) Payment of the application fee as established by section 1105.09;
 - (6) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (2) The TRC shall make the determination as to completeness, and only complete applications and Preliminary Plats/Final Plats shall be processed by the City.
- (c) Preliminary Plat and Base Information: An application form shall be completed by the Developer/Subdivider and submitted with the Preliminary Plat and required supplemental information. The Preliminary Plat and base information shall be provided at the time of submittal. The required fees shall also be paid at the time of application submittal.
- (1) **Drawing**: The Preliminary Plat shall be drawn on twenty-four inch by thirty-six inch (24" x 36") sheets to a scale of not less than one inch equals one hundred feet (1"= 100'). When more than one sheet is required, an index shall be incorporated into the title block. The Preliminary Plat shall contain the following information at a minimum:
 - A. Name and address of developer, property owner, land planner, landscape architect, engineer and/or surveyor;
 - B. Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures within three hundred feet (300') or as specified by the City Engineer;
 - C. Vicinity map (section and range);

- D. The ownership, acreage and boundaries of all adjacent properties within three hundred feet (300') of the subdivision or as specified by the City Engineer. If a recorded subdivision adjoins the subject site, the subdivision name, lot numbers, block numbers and recording number shall be indicated with dashed lines;
 - E. North arrow;
 - F. Title block shall be in the lower right-hand corner. The title block shall include title "Preliminary Plat", sheet title, proposed subdivision name, developer and Engineer who prepared the Plat, scale of the Plat, tax map and parcel numbers, sheet index, date and revisions numbered and dated;
 - G. Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and
 - H. Existing topography at two-foot (2') intervals for slopes under 10 percent (10%) and at ten-foot (10') intervals for slopes ten percent (10%) or greater. Contour lines shall be indicated fifty-feet (50') beyond the subdivision boundary.
- (2) **Existing Conditions:** The Existing Conditions Map and text shall indicate the proposed subdivision and all property within two hundred feet (200') of the proposed subdivision or as specified by the City Engineer, the following conditions depicted to scale:
- A. Existing generalized natural features;
 - B. Existing zoning;
 - C. Existing utilities, including: water; sanitary sewer and stormwater facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; electric and telephone poles; street lights; fire hydrants; landfills; and public utility easements;
 - D. Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and streets which have been preliminarily approved or recorded but which remain unimproved shall be indicated;
 - E. Existing community facilities, including parks and recreation facilities; and
 - F. Comprehensive Development Plan recommendations for the subject site and applicable zoning districts and standards.
- (3) **Proposed Subdivision Plan:** The following proposed improvements are to be superimposed on top of the Existing Conditions Map:
- A. Proposed generalized land use, including proposed building footprint;
 - B. Proposed layout of all proposed and existing lots with approximate dimensions and minimum area in square feet (acres if lot size is greater than 100,000 square feet), section number, phase number and part number, building lines, lot frontages and required setbacks;
 - C. Lot numbers in numerical or alphabetical order throughout the entire subdivision;
 - D. The location, dimensions, use and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements; and

- E. Total number of lots, area of lots and parcels, area of public roadways, areas of open space dedications, and total area of the subdivision.
- (4) **Proposed Water, Sanitary Sewer, and Stormwater:** The following improvements are to be superimposed on top of the Existing Conditions Map:
- A. Proposed water system;
 - B. Proposed sewer system;
 - C. Proposed drainage and stormwater management systems, including: the type of structures; drainage easements; proposed changes in topography; the 100-year floodplain (floodway and floodway fringe shall be indicated separately); and
 - D. A preliminary storm drainage study including an evaluation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the Preliminary Plan, as directed by the City Engineer.
- (5) **Proposed Circulation:** The following improvements are to be superimposed on top of the Existing Conditions Map:
- A. Proposed streets and roads, including: widths of rights-of-way and pavements; tentative profiles of each street centerline; tentative horizontal curve data; and typical cross sections of each type of street proposed;
 - B. Proposed sidewalks and bike paths, including: locations; widths of rights-of-way; surface widths; and typical cross sections; and
 - C. Proposed locations of street trees and landscape features.
- (6) **Proposed Sedimentation and Erosion Control:** The following improvements are to be superimposed on top of the Existing Conditions Map:
- A. Locations and extent of tentative erosion and sedimentation control measures; and
 - B. Preliminary grading plan for the entire area covered by the Preliminary Plat.
- (7) A **Site Development Plan** as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k).
- (d) **Final Plat:** An application form shall be completed by the Developer/Subdivider and submitted with the Final Plat. The application form shall be provided by the City Engineer. The required fees shall also be paid at the time of application submittal. The following supplementary information shall be supplied in addition to these requirements:
- (1) **Boundary Lines:** All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed one-to-ten thousand (1:10,000).
 - (2) **Recorded Streets:** The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.

- (3) **Bearings:** True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
- (4) **Monuments:** The accurate location and material of all permanent reference monuments.
- (5) **Site Layout:** The exact layout including:
 - A. Streets and alley lines – their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);
 - B. The chord length of all arcs – radii, points of curvature and tangent bearings;
 - C. All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); and
 - D. All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
- (6) **Lots and Block Numbers:** Lots numbered in numerical order. In tracts containing more than a block the blocks may be likewise numbered in numerical order or lettered in alphabetical order. The City will assign addresses to the lots thirty (30) days after the Final Plat has been accepted by City Council.
- (7) **Property Offered for Dedication:** The accurate outline of all property that is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use other than streets or roads shall be marked “Dedicated to the Public.” Streets and roads not dedicated shall be marked “Private Street.”
- (8) **Setback Lines:** As shown on the Preliminary Plat.
- (9) **Name of Subdivision:** Name of subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
- (10) **Adjoining Subdivision:** Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
- (11) **Names of Owners, Etc.:** Names and addresses of the owner of record, the subdivider, and of the Engineer or surveyor.
- (12) **North-Point, Etc.:** North-point, scale, date and title.
- (13) **Engineer’s Certificate:** A certificate by a registered professional engineer or surveyor to the effect that said plat was prepared by him, pursuant to an actual survey of the premises and that said plat is correct.
- (14) **Owner’s Certificate:** A certificate by the owner of the land to the effect that he has caused said land to be platted and that he dedicates to public use the streets, parks and other lands indicated on the plat as intended for public use. This certificate shall be executed as a conveyance is executed.

- (e) Application and Preliminary Plat Procedures:
- (1) **Preliminary Plat Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the City Engineer prior to submitting a Preliminary Plat for consideration by the Planning Commission.
 - (2) **Formal Application Submittal:** The applicant shall submit an application and Preliminary Plat meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Engineer shall forward the application and Preliminary Plat to the TRC. The TRC shall review the Preliminary Plat to determine that it includes all the items required. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application and Plat deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
 - (4) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, Preliminary Plat and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his/her report to the Planning Commission.
 - (5) **Site Visit:** The Planning Commission may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
 - (6) **Action by Planning Commission:** Planning Commission shall review the application and Preliminary Plat and the recommendations of the TRC and the City Engineer.
 - A. The Planning Commission shall take action on the submitted application and Preliminary Plat by either:
 - (i) Approving the application and Preliminary Plat as submitted; or
 - (ii) Approving the Preliminary Plat and application subject to specific conditions not included in the Plat as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement, or
 - (iii) Denying the application and Preliminary Development Plat.
 - B. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

- (7) **Plat Re-submittal:** If the Planning Commission requires corrections or modifications be made, the Developer/Subdivider shall submit a reproducible original Preliminary Plat reflecting those corrections and/or modifications to the City Engineer before the Planning Commission will reconsider the Plat.
 - (8) **Expiration:** The approval of a Preliminary Plat by the Planning Commission shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. If after this twelve (12) month period, any changes or amendments are made to this UDO, and any phase(s) or portion(s) of the original approved Preliminary Plan that have not received Final Plat approval or Construction Plan approval, then that phase(s) or portion(s) must be re-submitted for approval under the amended UDO.
- (f) Application and Final Plat Procedures:
- (1) **Final Plat Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the City Engineer prior to submitting a Final Plat for consideration by the Planning Commission.
 - (2) **Formal Application Submittal:** The applicant shall submit an application and Final Plat meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:**
 - A. The City Engineer shall forward the application and Final Plat to the TRC. The TRC shall review the application and Plat for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application and Plat are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications and Plats will be forwarded to the Planning Commission.
 - B. If it has been over twelve (12) months since approval of the Preliminary Plat was granted and if any changes or amendments have been made to this UDO, any phase(s) or portion(s) of the original approved Preliminary Plat that have not received Final Plat approval, must be re-submitted for approval under the amended UDO.
 - (4) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, the Final Plat, and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.

- (5) **Notice of Public Hearing Before Planning Commission:** Upon determination by the TRC that an application and Preliminary Plat contains all the necessary and required information, the City Engineer shall place the application and Plat on Planning Commission's agenda and schedule a public hearing on the proposed subdivision. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application and Preliminary Plat. The application and Plat shall be kept on file for public examination in the office of the City Engineer.
- (6) **Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed subdivision intends to apply to ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed for the subdivision or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Planning Commission Hearing and Recommendation:** The Planning Commission shall recommend either that the Final Plat be approved as submitted, that the Final Plat be approved with modifications, or that the Final Plat be denied.
- (8) **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment.
- (9) **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (10) **Action by Council:** After consideration of the Final Plat by the Planning Commission, the Plat shall be transmitted to the Council. Council shall approve the Final Plat, approve the Plat with modifications, or deny the Plat. Written notice of Council's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten-

- (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Council made in rendering its decision.
- (11) **Effect of Approval:** Approval of the Final Plat by the Council shall be deemed to constitute acceptance by the public of the dedication of every right-of-way and other proposed public easement or space shown on said Plat; however, improvements such as streets, sewer, water or other infrastructure shall not be accepted by the City until constructed and the construction plans for the same have been submitted and approved and the Developer/Subdivider has recorded said construction plans, as required by section 1115.06(i).
- (12) **Recording of Final Plat:** Once Council has approved a Final Plat, the Developer/Subdivider shall make any corrections or modifications required and shall forward the Final Plat to the City for the required signatures. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. Once the appropriate officials have properly signed the Final Plat, the applicant shall record the Final Plat with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat shall be filed with the City Engineer. If not recorded within twelve (12) months of the date of approval by Council, the Final Plat shall expire and be of no effect.
- (13) **Expiration:** The approval of a Final Plat by Council shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. If after this twelve (12) month period, any changes or amendments are made to this UDO, and any phase(s) or portion(s) of the original approved Preliminary Plan that have not received Construction Plan approval, then that phase(s) or portion(s) must be re-submitted for approval under the amended UDO.
- (14) **Transfer of Lots:** No lots within a subdivision or any section thereof may be transferred until the Final Plat is accepted by the City and the Plat is recorded in the Warren County Recorder's Office.
- (g) **Requirements:** All applications and Plats shall be reviewed for their compliance with the Subdivision Regulations outlined in section 1111.01, specifically section 1111.01(d).
- (h) **Standards for Approval:**
- (1) **Preliminary Plat:** A Major Subdivision application and Preliminary Plats shall only be approved if Planning Commission finds that all of the following standards are met:
- A. It fully complies with the applicable requirements of this UDO;
 - B. It is not detrimental to other property or other uses located on the same property;
 - C. It is not detrimental to other development on nearby property;
 - D. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
 - E. It provides safe ingress and egress to emergency vehicles on the site;

- F. The proposed lots in the subdivision have adequate space to accommodate the building area and other site requirements;
 - G. The property has been surveyed and other information relating to the property has been submitted with the application;
 - H. The proposed lots have been approved for access management and stormwater management; and
 - I. The proposed lots have been approved relative to emergency access.
- (2) **Final Plat:** A Major Subdivision application and Final Plat shall only be approved if Council finds that all of the following standards are met:
- A. It fully complies with the applicable requirements of this UDO;
 - B. It is not detrimental to other property or other uses located on the same property;
 - C. It is not detrimental to other development on nearby property;
 - D. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
 - E. It provides safe ingress and egress to emergency vehicles on the site;
 - F. The Final Plat is in accordance with the Preliminary Plan;
 - G. The City Engineer has approved all proposed infrastructure construction and location;
 - H. Homeowners association and other agreements have been approved by the Law Director's Office;
 - I. All fees and/or review costs have been paid.
- (i) Development of the Subdivision:
- (1) **Requirements:** Before beginning construction on any improvements within the Subdivision or any section thereof, the Developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
 - (2) **Construction Plans:** Before beginning work on the improvements in a subdivision or any section thereof, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:
 - A. The centerline profile of each proposed street, with tentative grades indicated;
 - B. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 - C. The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - D. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;

- E. A stormwater drainage plan showing:
 - (i) All existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, waterway openings indicated thereon;
 - (ii) Drainage areas and flow of the watershed;
 - (iii) The method to be used for the adequate disposal of all storm water, including drainage outlets; and
 - (iv) Such other data as may be required by the City Engineer and section 1111.05.
 - F. A Landscaping Plan, as may be required by section 1111.06;
 - G. An Engineer's estimate of the total cost of the contemplated improvements for the subdivision or section thereof; and
 - H. Any other information needed to show that the proposed improvements comply with section 1111.03.
- (3) **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure for the subdivision, or section for which the Developer is seeking approval, is constructed in the manner and time frame required.
- (4) **Inspection Fees:** In accordance with section 1111.03(b), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed
- (5) **Approval:** Before beginning construction on any improvements within the Subdivision or any section thereof, the Developer must have obtained approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.
- A. If the Construction Plans, as submitted, make no changes or modifications from the approved Final Plat, the Plans may be approved by the City Engineer.
 - B. If the Construction Plans, as submitted, make any changes or modifications from the approved Final Plat, as determined by the City Engineer, the Plans must be submitted to Planning Commission. Planning Commission shall review the Construction Plans and make a recommendation to Council on approving or deny the Plans. Council may approve the Plans as submitted, approve the Plans with agreed to modifications, or deny the Plans.
 - C. Any Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
- (6) **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
- (7) **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the

- City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.
- (8) **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Construction Plans shall be filed with the City Engineer. No further development in the subdivision shall be permitted until the Construction Plans are recorded as required.
- (9) **Certificate of Occupancy:** Certificates of Occupancy for any buildings or structures within the subdivision will not be issued by the City until Construction Plans for the subdivision, or for a section thereof, have been approved and recorded as required by this section.
- (10) **Development in Sections:** If the Developer chose to develop the subdivision by Sections, upon full build-out of the subdivision, the Developer shall prepare an updated Final Plat showing the exact location of all installed improvements, all easements and all buildings. This updated Final Plat shall be forwarded to the City for all required signatures at the time the Construction Plans for the final section are also forwarded for signatures, in accordance with subsection (8), above. Once the appropriate officials have properly signed the Plans and the Plat, the applicant shall record the updated Final Plat with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat shall be filed with the City Engineer.
- (j) Regulation Concerning Improvements Required in Major Subdivisions:
- (1) **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
- (2) **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits will be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
- (3) **Completion of Construction:** The construction of all public improvements shown on the approved Construction Plans must be completed within two- (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.
- (4) **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.

- (k) **Final Plat Amendments:** Upon the application of an owner(s) of land described in a Final Plat within the corporation limits of the City of Franklin, Council may approve amendments the Final Plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship.
- (1) **Plat Amendment Defined:** A plat amendment is a major alteration of a Final Plat that substantially changes any of the major feature(s) required to be set forth in the Plat by section 1115.06(d). Examples of such major alterations include, but not limited to, a change in the number of lots or the layout of lots, a major change, as deemed by the City Engineer, in the location or size or any right-of-ways or public easements, a change in the name of the subdivision, or a change in setback lines.
 - (2) **Filing Requirements:** The applicant(s) shall file with the City Engineer, in accordance with the application schedule established by the City Manager, a Final Plat Amendment that meets the requirements of section 1115.06(d), and other City Ordinances as applicable, together with an application for approval thereof and the required fee, as outlined in section 1105.09.
 - (3) **Procedure:** The procedure for a Final Plat amendment shall be as follows:
 - A. The applicant(s) shall file with the City Engineer an application that sets forth the reason(s) why the amendment of the plat is sought, a plat map that sets forth the location and description of the proposed amendment, and A Final Plat Amendment that meets the requirements of section 1111.06(d).
 - B. Review by the TRC: After the Final Plat Amendment application has been filed, the City Engineer and the TRC shall check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said application is complete, the TRC shall notify the applicant(s) of the date and time that Planning Commission will hear the proposed Final Plat Amendment.
 - C. The applicant shall send a copy of the application to all other landowners within the plat to be amended, along with a notice of the time and place of the Planning Hearing on the application. The applicant(s) shall provide Proof of Notification by providing the certified mail certificates to the City Engineer, along with a list of all property owners to whom notice was sent. Failure to provide the required notification may result in the application being tabled or denied by the Planning Commission. If the application must be tabled because the applicant(s) failed to provide notice as required, any costs for the City to have to republish a general notice, as outlined below, shall be borne by the applicant(s).
 - D. The City shall give five (5) days notice of the proposed plat amendment application by publication in a newspaper of general circulation in the jurisdiction. Such notices shall set forth the part or the plat to be amended and briefly describe the proposed amendment, the date(s) of the Planning Commission meeting hearing(s) on the application and the date(s) City Council will consider the application.
 - E. Preparation of Staff Report: The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments

from the TRC in formulating his recommendation. The application, the plat map and the Final Plat Amendment shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.

- F. **Planning Commission Review:** Planning Commission shall consider the application and Final Plat Amendment and shall make a recommendation to either: approve the application as submitted, approve the application with modifications, or deny the application. Planning Commission shall then forward its recommendation to City Council, along with its reasons for such a recommendation.
 - G. **Council Acceptance of Plat Amendment:** Council shall either: approve the Final Plat Amendment, approve the Final Plat Amendment with modifications, or deny the Final Plat Amendment.
 - H. **Recording of Final Plat Amendment:** If the amendment is approved by Council, the applicant(s) shall make any corrections or modifications required and shall forward the Final Plat Amendment to the City for the required signatures. Final Plat Amendments may not be recorded until all required signatures of officials have been placed on the Final Plat Amendment. Once the appropriate officials have properly signed the Final Plat Amendment, the applicant shall record the Amendment with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat Amendment shall be filed with the City Engineer. If not recorded within twelve (12) months of the date of approval by Council, the Final Plat Amendment shall expire and be of no effect.
- (l) **Single Lot Major Subdivisions:** Major Subdivision plats that consist of one lot may be submitted to the City under this procedure. The City Engineer shall review and approve single lot Major Subdivisions. The decision of the City Engineer can be appealed to the Planning Commission. The City Engineer can submit the Preliminary Plan and Final Plat as a single set of documents to the TRC for review and approval. The City Engineer will identify the appropriate documents for submittal.
- (m) **Re-subdivision:** The Developer/Subdivider proposing the re-subdivision of a plat previously recorded by the County Recorder shall follow the same procedures required for a major subdivision.

1115.07 Minor Subdivisions

- (a) A Minor Subdivision is a division of a parcel of land that is approved by the City Engineer and does not require a plat, or is a combination or replatting of two (2) or more lots or parcels into a single lot or parcel.
- (b) General Submittal Requirements: The following general requirements shall apply:
- (1) Each request for a subdivision shall include an application form, provided by the City, with the submittal;
 - (2) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 - (3) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - (4) Legal Description of property or portion thereof;
 - (5) Payment of the application fee as established by section 1105.09;
 - (6) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; and
 - (7) A list of all owners of property that are contiguous to the parcel or lot proposed to be subdivided or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).
- (c) Specific Submittal Requirements: In order to be complete and to be accepted for review and processing, all Minor Subdivision proposals must be legible and include a Site Plan that shows all of the following information:
- (1) Location and size of existing and proposed parcels, including date of creation of existing parcel to be split or combined;
 - (2) North arrow and bar scale;
 - (3) Locational information including: location map; adjacent or frontage roads; adjacent parcel ownership; proposed easements of access; etc.;
 - (4) Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries, or acreage of proposed single lot or parcel, including existing and proposed boundaries;
 - (5) Proposed building envelope, building footprint and proposed site drainage and grading may be required by the TRC if existing data indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal;
 - (6) Site drainage and 100-year floodplain (floodway and floodway fringe, elevation and boundaries);
 - (7) Steep slopes, ravines, drainage swales, and all other natural features;
 - (8) All other natural and built features or conditions that, in the determination of the City Engineer, are directly relevant to the ability of the proposed lot(s) to be buildable per these regulations. Existing topography at two-foot (2') intervals for slopes under ten percent (10%) and ten-foot (10') intervals for slopes ten percent

- (10%) or greater or as approved by the TRC if topographic characteristics of the site and/or adjacent properties indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal; and
- (9) Any and all proposed easements, reserves or no-build zones.
- (d) **Procedure:** Before any land is subdivided or combined into a single lot, the owner of the property proposed to be subdivided or combined, or his/her/its authorized agent, shall apply for and secure approval of the proposed minor subdivision in accordance with the following procedures:
- (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer, or as requested by the applicant, the applicant shall meet with the City Engineer or the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Engineer may forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Upon receipt of a complete application, the TRC shall review the application and provide comments to the City Engineer.
 - (4) **Action by the City Engineer:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the City Engineer shall render a decision. The City Engineer shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. His decision shall take effect immediately. Written notice of the City Engineer's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Zoning Official made in rendering his decision.
 - (5) **Appeal:** The decision by the City Engineer may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.
- (e) **Standards for Approval:** A Minor Subdivision application shall only be approved if the City Engineer finds that all of the following standards are met:
- (1) The proposed subdivision is not contrary to the applicable standards of the UDO;
 - (2) The proposed subdivision shall have adequate area to accommodate the building area and other site requirements;
 - (3) The property has been surveyed and an acceptable sketch, legal description and other information relating to the property has been submitted with the application;
 - (4) The proposed lots have been approved for access management and stormwater management; and

- (5) The proposed lots have been approved relative to emergency access.

1115.08 Site Plans

- (a) Uses Requiring Major Site Plan Review: Approval of a Major Site Plan by Planning Commission is required prior to the commencement of any new construction, including additions; or the alteration of any existing structure or building; or upon the change in use of any existing structure or land. The following uses and additions to uses require Major Site Plan review:
- (1) Multi-family buildings four units and above;
 - (2) Commercial office and all other non-residential buildings and structures;
 - (3) Non-residential additions exceeding twenty five percent (25%) of the original floor area or ten thousand square feet (10,000 sq. ft.) or more;
 - (4) Parking structures and facilities and parking lots;
 - (5) Public buildings and structures;
 - (6) Parks; and
 - (7) Places of worship.
- (b) Uses Requiring Minor Site Plan Review: Approval of a Minor Site Plan by the Zoning Official is required prior to the commencement of any new construction, including additions; or the alteration of any existing structure or building; or upon the change in use of any existing structure or land. The following uses and additions to uses require minor site plan review:
- (1) Single family buildings;
 - (2) Accessory uses and structures;
 - (3) Multi-family dwellings of three units or less;
 - (4) Signs; and
 - (5) Non-residential additions equal to or less than twenty five percent (25%) of the original floor area, less than ten thousand square feet (10,000 sq. ft.).
- (c) Definitions:
- (1) *Alteration of Structure* - For the purposes of this UDO, “alteration of any structure” shall mean any construction or renovation to an existing structure, other than repair or addition.
 - (2) *Change in Use* - For the purposes of this UDO, “change in use” shall mean a change in the primary activity or primary use of a structure or land from one use group to another (e.g. industrial to commercial; residential to commercial; residential to office, etc). The decision as to whether there has been a change in use shall be made by the Zoning Official. The decision of the Zoning Official regarding a change in use shall be appealable, in accordance with Section 1115.10(f) of this UDO.
- (d) A Certificate of Occupancy shall not be issued until all improvements shown on the approved Site Plan have been completed in accordance with said Plan; provided, however, that the City may issue Certificates of Occupancy for developments which are to be staged in accordance with conditions established in connection with the Site Plan approval by Planning Commission.

- (e) General Submittal Requirements: The following general requirements shall apply to both Major and Minor Site Plans:
- (1) Each Site Plan submittal shall include an application form, provided by City, with the submittal. Every Site Plan application shall be signed by the owner of the land to which the Site Plan applies or the owner's authorized representative;
 - (2) The name(s), address(es), and telephone number(s) of the applicant(s), and of the property owner(s), if other than the applicant(s), with a notarized letter of authorization from the property owner(s);
 - (3) The name, address and telephone number of the developer or contractor;
 - (4) A legal description of the property or portion thereof;
 - (5) Payment of the application fee; and
 - (6) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (f) Major Site Plan - Specific Submittal Requirements:
The Major Site Plan shall be provided at the time of submittal of the application. A Major Site Plan shall include all of the following:
- (1) A **Property Location Map** showing existing property lines, easements, utilities and rights-of-way, including angles or bearings, dimensions and reference to a section corner, quarter corner or a point on a recorded plat and an arrow pointing north;
 - (2) List of adjacent property owners and labeling of adjacent owners on the Site Plan (the list shall be based upon the Warren County Auditor's current tax lists);
 - (3) A **Plan**, prepared by a registered engineer, surveyor and or architect, drawn at a suitable scale, not smaller than one inch equals forty feet (1"= 40'), indicating:
 - A. Existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
 - B. 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 and maximum building heights;
 - C. Square footage of existing and proposed buildings, with indication as to which buildings and structures are to be retained and which are to be removed or altered;
 - D. Zoning of the property and existing use on site, zoning of adjacent properties and uses;
 - E. The location and configuration of the surrounding streets and/or proposed streets, including the width thereof;
 - F. The location and configuration of existing and/or proposed driveways and the width thereof; existing and/or proposed sidewalks and the width thereof; any off-street parking and loading areas, including the total number of parking spaces to be provided; the arrangement of internal and in-out traffic movement, including access roads and drives; and the location of signs related to parking and traffic control;
 - G. The location and size of all existing and/or proposed public and private utilities, sanitary services and waste disposal facilities, and indication of any utilities which are to be removed or altered;

- H. The location and dimensions of all on-site recreation areas and the type of recreation to be conducted thereon, if applicable;
- (4) A **Topographic Map** showing existing and proposed grades and drainage systems and structures,
 - A. With topographic contours at intervals not exceeding:
 - (i) One foot (1') for slopes zero to five percent (0% - 5%);
 - (ii) Two foot (2') for slopes five to ten percent (5% - 10%);
 - (iii) Five foot (5') for slopes over ten percent (>10%);
 - B. Showing natural features, such as major vegetation features, wooded areas, streams, lakes, and existing trees over six inches in diameter measured at the average chest height;
- (5) Proposed **Landscaping Plans**, if required, indicating the location of existing plants and trees, proposed plantings, including planting height, caliper of proposed trees measured at the average breast height, quantities, sizes, species type and proposed method of irrigation;
- (6) **Elevation Drawings** for all proposed buildings and structures, including building height; building materials; roofing materials; roof pitch; exterior building colors; location of doors and windows; location of exterior stairs and balconies; and other architectural details. Included with the elevation drawing shall be fifteen (15) 8.5 x 11 inch colored renderings of all four sides of any proposed buildings;
- (7) **Floor Plans** showing the shape, size, location, floor area and estimated finished ground and basement floor grades of all proposed buildings and structures and any existing buildings and structures that are to be retained and/or altered;
- (8) A **Lighting Plan** indicating proposed lighting, including exterior building, parking lot and site lighting. The plan shall include sample cut sheets indicating pole and luminary height, as well as intensity of illumination in footcandles on a point-by-point iso-footcandle map;
- (9) **Summary Table** showing total acres of the proposed development; number of acres devoted to each type of residential and/or nonresidential use including streets, rights-of-way, easements and open space; number of dwelling units by type; total building square footage; and overall density (units per acre) and intensity (lot coverage);
- (10) A **Site Development Plan** as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k).
- (11) If the development is to be staged, a general indication as to how the staging is to proceed. A **Development Schedule** indicating the anticipated starting and completion dates of the development sequence, including stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance;

- (12) **A Sign Graphics Plan**, if required, showing:
- A. The location of proposed signs, including the signs location with respect to existing rights-of-way and property lines;
 - B. The location of all other existing signs whose construction requires permits, which such signs are on the same premises;
 - C. The dimensions, construction supports, sizes, electrical wiring and components, sign materials and method of attachment;
 - D. The location, size and illumination of wall signs, ground signs, and directional signs;
 - E. Elevation drawings of ground signs and wall signs, including a colored rendition of the proposed signs; and
- (13) Other information necessary for the evaluation of the existing site condition and proposed development, as deemed necessary by the City Engineer, Zoning Inspector and/or Planning Commission.
- (g) Procedures for Major Site Plans:
- (1) **Pre-application Meeting:** If recommended by the City Engineer or Zoning Inspector, or as requested by the applicant, the applicant may meet with the TRC prior to submitting an application and Site Plan. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application and Site Plan meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application and Site Plan, the Zoning Inspector shall schedule a meeting with appropriate City staff to review the same. Staff shall review the application and Site Plan for completeness, and if the application or Site Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Only applications and Plans deemed complete shall be deemed officially accepted by the City.
 - (4) **TRC Report:** If the application and Site Plan have been deemed complete and the application fee has been paid, the application and Plan shall be forwarded on to the Planning Commission. The City Engineer and the Zoning Inspector shall prepare a TRC report, providing an analysis of the proposal and recommendations. Said report shall be forwarded along with the application, Site Plan and all supplemental information filed there with to the Planning Commission.
 - (5) **Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the City Engineer shall place the application and Site Plan on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.

- (6) **Notice to Property Owners of Public Hearing:** Written notice of the public hearing shall be provided to all owners of property adjacent to the property proposed for development. Such notice shall be sent by the City, via regular mail, at least seven (7) days before the date of hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled after the first public hearing, no further notification to adjacent property owners shall be required; however, if the first public hearing is postponed at the request of the applicant of due to the incompleteness of the application submitted by the applicant, the cost of mailing further notices shall be borne by the applicant.
- (7) **Action by the Planning Commission:** The Planning Commission shall consider the application and Site Plan at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Planning Commission shall consider this information and render a decision a public meeting. The Planning Commission shall approve the Site Plan as submitted, approve the Site Plan with conditions or modifications, or deny the application and Site Plan. Its decision shall take effect immediately. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.
- (h) Exterior Façade Design Standards for Major Site Plans.
- (1) **Purpose:** The appearance of buildings, structures, open spaces and landscaping throughout the City is of public concern. It is in the public interest to ensure that major new developments and modifications to existing developments strengthen, protect, enhance and improve the existing visual and aesthetic character of the City and to integrate developments into the surrounding environment, as well as ensure that each new development and redevelopment will be attractive in order to protect and improve property values. Therefore, the purpose of the standards in this Section is to provide criteria to be used by the applicant and Planning Commission in evaluating the appropriateness of proposed development and redevelopment in the City.
- (2) **Applicability:** All development subject to the Major Site Plan requirements of this Chapter shall also be subject to these Exterior Façade Design Standards, with the exception of the following specific uses and areas of the City:
- A. Certain manufacturing uses – the provisions of this Section are applicable to the construction and alteration of manufacturing uses within the I-1, Light Industrial District, and I-2, General Industrial District; provided, however, that Planning Commission has the authority to waive any or all of the requirements contained in this Section for such uses.
- B. HOD, Historic Overlay District – the construction and alteration of properties subject to the provisions of the Historic Overlay District contained in section 1109.04.

- (3) **Design Standards:** The following design standards shall be used for Major Site Plan development to which this section is applicable:
- A. All building elevations shall consist of tripartite configuration consisting of a base or foundation; a middle or modulated wall; and a top portion formed by a pitched roof or articulated cornice.
 - B. All building elevations shall be articulated in a manner to avoid an uninterrupted appearance through the use of windows, doors, offsets or a change in materials.
 - C. The following building materials are permitted for use under this section:
 - (i) Residential-scale brick using non-glazed finishes;
 - (ii) Natural stone material;
 - (iii) Natural and natural-based wood materials, excluding T-111 or similar materials;
 - (iv) Exterior insulation and finish systems (EIFS) above the pedestrian level;
 - (v) Split-face concrete masonry unit (CMU) on exposed foundations and using colors embedded into the material;
 - (vi) Glass only for doors and windows. Curtain walls are not permitted;
 - (vii) Metal cladding for use as roofing material; and
 - (viii) Concrete siding designed to share an appearance of wood siding such as Hardiboard or Hardiplank.
 - (D) No less than three (3) no more than four (4) of the materials listed above may be used on a building.
 - (E) The majority of the building elevations shall be finished in the natural material color or neutral, earth tones with a single accent color approved by the Planning Commission.
- (i) Major Site Plans That Include Proposed Public Improvements:
- (1) **Requirements:** Before beginning construction on any improvements connected with the Major Site Plan, the applicant or developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
 - (2) **Construction Plans:** Before beginning work on the improvements connected with a Major Site Plan, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities, along with the filing fee required under section 1105.09. The plans shall show:
 - A. The centerline profile of each proposed street, with tentative grades indicated;
 - B. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 - C. The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - D. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;

- E. A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k).
 - F. A Landscaping Plan, as may be required by section 1111.06;
 - G. An Engineer's estimate of the total cost of the contemplated improvements for the subdivision or section thereof; and
 - H. Any other information needed to show that the proposed improvements comply with section 1111.03.
- (3) **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure is constructed in the manner and time frame required.
- (4) **Inspection Fees:** In accordance with section 1111.03(b), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed.
- (5) **Approval:** Before beginning construction on any improvements connected with a Major Site Plan, the Developer must have obtained approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.
- A. If the Construction Plans, as submitted, make no changes or modifications from the approved Major Site Plan, the Construction Plans may be approved by the City Engineer.
 - B. If the Construction Plans, as submitted, make any changes or modifications from the approved Major Site Plan, as determined by the City Engineer, the Plans must be submitted to Planning Commission. Planning Commission shall review the Construction Plans and may approve the Plans as submitted, approve the Plans with agreed to modifications, or deny the Plans.
 - C. Any Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
- (6) **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
- (7) **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.

- (8) **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Major Site Plan and Construction Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Site Plan and Construction Plans shall be filed with the City Engineer. No further development shall be permitted until the Construction Plans are recorded as required.
- (9) **Certificate of Occupancy:** No Certificates of Occupancy for any buildings or structures will be issued by the City until Construction Plans have been approved and recorded as required by this Section.
- (j) Regulation Concerning Required Improvements:
- (1) **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
- (2) **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits will be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
- (3) **Completion of Construction:** The construction of all public improvements must be completed within two years from the date of approval of the Construction Plans, unless good cause can be shown for the granting of an extension of time by Council.
- (4) **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.
- (k) Major Site Plan - Standards for Approval: Major Site Plans shall only be approved if Planning Commission finds that all of the following standards are met:
- (1) That it fully complies with all applicable requirements of this UDO;
- (2) That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
- (3) That it is not detrimental to the use and character of surrounding properties;
- (4) That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and
- (5) That it provides safe ingress and egress for emergency services.

- (l) **Major Site Plan - Effect of Approval:** Following approval of a Major Site Plan by Planning Commission that does not require the submission of Construction Plans, the Zoning Official shall issue a Certificate of Zoning Compliance. If the development proposed by the Major Site Plan requires the submission of Construction Plans for proposed improvements connected with the development, as required by section 1115.08(f), the Certificate of Zoning Compliance shall not be issued until the requirements of this section have been met, unless Planning Commission approves the issuance of the Certificate with conditions to assure the Developer will meet the requirements of this section.
- (m) **Changes or Additions to Major Site Plans:** After a Major Site Plan has been approved by the Planning Commission, and in the course of carrying out the Plan, adjustments or rearrangements of buildings, drives, parking areas, recreation areas, entrances, heights, yards or similar modifications, may be requested by the Developer(s).
- (1) **Minor Changes:** The City Engineer shall review and approve or disapprove amendments to Major Site Plans if the change involves twenty five percent (25%) or less of the original floor area or less than ten thousand square feet (10,000 sq. ft.).
 - (2) **Major Changes:** Amendments to Major Site Plan exceeding twenty five percent (25%) of the original floor area, or ten thousand square feet (10,000) or more, shall be reviewed and approved or disapproved by the Planning Commission, in accordance with the procedural requirements of this Section.
- (n) **Minor Site Plan - Specific Submittal Requirements:** The Minor Site Plan shall be provided at the time of submittal of the application. A Minor Site Plan shall include all of the following:
- (1) General layout plan, with existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
 - (2) Proposed and existing buildings and structures on-site, including indication of any buildings and structures which are to be removed or altered, with general sketch floor plans and building elevations;
 - (3) Building elevations, including building height;
 - (4) List of adjacent property owners and labeling of the adjacent owners;
 - (5) Square footage of existing and proposed buildings and structures;
 - (6) Zoning of the property and existing uses on site, including adjacent uses and zoning;
 - (7) Preliminary grading plan, storm water management plan and landscaping plan, as required;
 - (8) Street and parking layout, including street rights-of-way, drive aisles, parking spaces and sidewalk location; and
 - (9) Preliminary water and sewer plan.
- (o) **Procedures for a Minor Site Plan:**
- (1) **Pre-application Meeting:** Upon the recommendation of the Zoning Official, or as requested by the applicant, the applicant shall meet with the Zoning Official or the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.

- (2) **Formal Application Submittal:** The applicant shall submit an application and Minor Site Plan meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Zoning Official shall forward the application to the TRC. The TRC shall review the application and Minor Site Plan for completeness, and if the application or Minor Site Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Upon receipt of a complete application, the TRC shall review the application and Minor Site Plan and provide comments to the Zoning Official.
 - (4) **Action by the Zoning Official:** Within thirty (30) working days of receipt of a complete application and Minor Site Plan, the Zoning Official shall render a decision to approve, approve with conditions, or deny a Minor Site Plan. Written notice of the Zoning Official's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Zoning Official made in rendering his decision.
 - (5) **Appeal:** The decision by the Zoning Official may be appealed to the Appeals Board as provided for in this Chapter.
- (p) Minor Site Plan - Standards for Approval: A Minor Site Plan shall only be approved if the Zoning Inspector finds that all of the following standards are met:
- (1) That it fully complies with all applicable requirements of the Zoning Code;
 - (2) That it will adequately protect other properties, or residential uses located on the same property, from the potential adverse effects of the proposed nonresidential use;
 - (3) That it will not be detrimental to the use and character of surrounding properties;
 - (4) That it will be served by adequate utility services; and
 - (5) That it provides any required landscaping, fencing or walls.
- (q) Minor Site Plan - Effect of Approval: If the Zoning Official approves a Minor Site Plan, he shall issue a Certificate of Zoning Compliance for the same.

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1115.09 Approvals by the Planning Commission

- (a) Planning Commission shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Conditional Uses, including Home Occupations and Sexually Oriented Businesses;
 - (2) Any use in the Well Field Protection Overlay District; and
 - (3) Uses requiring a Special Permit in the Telecommunications Overlay District.
- (b) Conditional Uses: Conditional uses are those uses that because of special requirements or characteristics may be allowed in a particular zoning district only after Planning Commission reviews and grants the conditional use, imposing such conditions as Planning Commission finds necessary to make the use compatible with other uses permitted in the same district zone or vicinity. A conditional use may be allowed in a zoning district only after the Planning Commission, in accordance with the provisions of this UDO, grants permission. Development standards for each conditional use are described in section 1113.01, development standards for Sexually Oriented Business conditional uses are described in section 1113.02, and development standards for Home Occupation conditional uses are described in section 1113.03.
- (1) **Submittal Requirements:**
- A. *General Submittal Requirements*: The following general requirements shall apply:
- (i) Each request for a conditional use shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal description of property or portion thereof;
 - (iv) A list of all owners of property that are contiguous to the parcel or lot proposed for the conditional use or that are across the street from it (The list shall based upon the Warren County Auditor's current tax lists);
 - (v) Payment of the application fee as established by section 1105.09; and
 - (vi) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City.

- B. *Specific Submittal Requirements:* The submittal for approval of a Conditional Use shall include an application form for a Conditional Use with related materials and fee. The application shall include at a minimum:
- (i) Address and zoning classification of the subject property;
 - (ii) A list of all owners of property, including their mailing addresses, who own property contiguous to or across the street from the subject property;
 - (iii) A statement of need for the proposed use, its location and a report identifying the effects and general compatibility of the proposed use on the surrounding properties and the neighborhood;
 - (iv) A plan of how the potential negative effects of the proposed use will be mitigated including traffic, parking, noise, light intrusion, solid waste storage and removal; and
 - (v) A narrative statement outlining how the Conditional Use meets the General Standards and Specific Standards of Approval for the Conditional Use, as outlined in section 1113.01.
- C. *Sketch Plan:* Twelve copies of a site plan or sketch plan, and other drawings to scale, showing
- (i) Boundaries and dimensions of the property and the size and location of all proposed or existing structures;
 - (ii) All pertinent natural and man-made features and adjacent development character and buildings;
 - (iii) Traffic access, traffic circulation and parking;
 - (iv) Existing and proposed utility easements;
 - (v) Location of any required landscaping or buffer yards;
 - (vi) Location of any existing or proposed signs;
 - (vii) Location of any refuse or service areas; and
 - (viii) Any additional information the City Engineer deems appropriate.
- D. A *Sign Graphics Plan*, if required, showing:
- (i) The location of any proposed sign(s), including the sign's location with respect to existing right-of-way and property lines;
 - (ii) The location of all other existing signs whose construction requires permits, when such signs are on the same premises;
 - (iii) The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
 - (iv) The location, size, and illumination of wall signs, ground mounted signs, and directional signs; and
 - (v) Elevation drawings of ground mounted signs and wall signs shall also be included.
- E. *Landscaping Plan:* A Landscaping Plan, if required, meeting the requirements of section 1111.06.
- F. *Sexually Oriented Business:* If the application is for a Sexually Oriented Business Conditional Use, all additional information required to show that the proposed use meets the requirements and standards for Sexually Oriented Businesses outlined in section 1113.02.
- G. *Home Occupations:* If the application is for a Type B - Retail Home Occupation, all additional information required to show

that the proposed use meets the requirements and standards for Home Occupations outlined in section 1113.03.

- (2) **Standards for Approval:**
- A. A Conditional Use Certificate shall not be granted unless Planning Commission finds it meets the General Standards for Approval and the Specific Standards for Approval, as the same may be modified by Planning Commission, as outlined in section 1113.01.
 - B. A Conditional Use Certificate for A Sexually Oriented Business shall not be granted unless Planning Commission finds it meets the General Standards for Approval outlined in section 1113.01(d) and the requirements of section 1113.02.
 - C. A Conditional Use Certificate for a Home Occupation Type B shall not be granted unless Planning Commission finds it meets the General Standards for Approval outlined in section 1113.01(d) and the requirements of section 1113.03.
- (3) **Additional Conditions and Safeguards:** In approving a Conditional Use Permit, the Planning Commission may further prescribe any conditions and safeguards that it deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting the term of the Permit, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the Conditional Use Permit shall not be granted.
- (4) **Effect of Approval/Validity:**
- A. A Conditional Use Certificate shall authorize the particular conditional use on the specific parcel for which it was approved.
 - B. The Conditional Use Certificate shall expire six (6) months from the date of enactment, unless prior to that date the applicant commences actual construction or business.
 - C. There shall be no modification of a Conditional Use Certificate except by approval of the Planning Commission.
 - D. Conditional Use Certificates are non-assignable, and shall not be transferred to a subsequent owner of the property, nor shall they transfer with the owner to another location.
 - E. A Conditional Use Certificate shall terminate upon the property no longer being used for such conditional use for a period of six (6) months or more, or upon the sale or change of ownership of such property, or upon violation of any provisions of this UDO.
- (5) **Renewals:** The holder of a Conditional Use Permit is responsible for applying for renewals of the Conditional Use Permit. Upon application for renewal, the Zoning Official shall inspect the premises for conformance with the original Permit and shall review the record regarding the Permit and shall make a recommendation to the Planning Commission. If the Planning Commission finds no cause to disallow renewal of the application or cause for review of the application, the Planning Commission may authorize the Zoning Official to administratively approve the renewal application. If the Planning Commission determines the conditional use has been the subject of unresolved complaints or violations of conditions or for other good cause, the Planning Commission may cause the application to come before the Planning Commission for a public hearing, may review the

application as if it were a new application, and may renew the Permit as is, may renew the Permit with added conditions as the Planning Commission finds appropriate, or may deny and/or revoke the Permit.

(6) **Revocations:**

- A. The following shall be considered as grounds for the revocation of a Conditional Use Permit at any time during the term of the Permit:
 - (i) Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment being used that is different from that specified as permitted in the granted Permit, which is not first approved by the Planning Commission.
 - (ii) Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment that results in a violation of these regulations.
 - (iii) Failure to allow periodic inspections by the Zoning Official or his designee at any reasonable time when an adult member of the family is present.
- B. If one or more of the conditional use regulations of this UDO are violated, or for any of the reasons listed above, Planning Commission may, upon the recommendation of the Zoning Official, revoke a Conditional Use Permit. The holder of said Permit shall be notified of the time, date and place at which Planning Commission intends to consider a revocation of his Permit, and shall be given an opportunity to address Planning Commission on the matter.
- C. Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

- (c) Uses in the Well Field Protection Overlay District: No new or expanded use in the WFP Overlay District shall be permitted without Planning Commission approval. A Certificate of Zoning Compliance shall be applied for, and Planning Commission shall review said application for its conformance with the requirements of the WFP Overlay District. Planning Commission shall authorize or deny the issuance of the Certificate of Zoning Compliance.

(1) **Submittal Requirements:**

- A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for development approval shall include a Certificate of Zoning Compliance application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; (ii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 - (iii) Legal description of property or portion thereof;
 - (iv) A list of all owners of property that is contiguous to the subject property or that is across the street from it (the list shall be based upon the Warren County Auditor's current tax lists);

- (v) Payment of the application fee for a Certificate of Zoning Compliance, as established by section 1105.09; and
- (vi) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- B. *Specific Submittal Requirements:* The applicant shall submit all information required by section 1109.03.
- (2) **Standards for Approval:** A Certificate of Zoning Compliance application for a new or expanded use in the WFP Overlay District shall not be authorized unless it meets all of the following standards:
 - A. It fully complies with the applicable requirements of this UDO, specifically section 1109.03;
 - B. It is not detrimental to other property or other uses located on the same property; and
 - C. It is not detrimental to other development on nearby property.
- (d) Uses requiring a Special Permit in the Telecommunications Overlay District: No new Towers, Antenna Support Structures and/or Wireless Telecommunications Facilities that require a Special Permit under section 1109.01 shall be installed or constructed in the Telecommunications Overlay District until such Special Permit has been approved by Planning Commission.
 - (1) **Submittal Requirements:**
 - A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for a Special Permit shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal description of property or portion thereof;
 - (iv) A list of all owners of property that is contiguous to the subject property or that is across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
 - (v) Payment of the application fee as established by section 1105.09; and
 - (vi) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 - B. *Specific Submittal Requirements:* The applicant shall submit all information required by section 1109.01, specifically section 1109.01(i) and (j).

- (2) **Standards for Approval:** A Special Permit for the installation or construction of a Tower, Antenna Support Structure and/or Wireless Telecommunications Facility in the Telecommunications Overlay District shall not be approved unless it meets all of the following standards:
 - A. It fully complies with the applicable requirements of this UDO, specifically section 1109.01;
 - B. It meets any specific standards outlined in section 1109.01 for the particular proposed use;
 - C. It is not unduly detrimental to other property or other uses located on the same property; and
 - D. It is not unduly detrimental to other development on nearby property.
- (e) **Procedures for Planning Commission Approval:** The following outlines the procedure under which the Planning Commission decides development approvals under this Section:
 - (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer or Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Engineer or Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend that the City officially accept the application. Only complete applications will be forwarded to the Planning Commission.
 - (4) **Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
 - (5) **Notice to Property Owners of Public Hearing before Planning Commission:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of

property that are contiguous to the subject parcel or lot or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.

- (6) **Preparation of Staff Report:** The City Engineer and/or Zoning Official, as appropriate, shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer and/or Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer and/or Zoning Official shall present his report to the Planning Commission.
- (7) **Action by the Planning Commission:** The Planning Commission shall consider the application at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Planning Commission shall consider this information and render a decision at a public meeting. The Planning Commission shall approve the application; deny the application; or approve the application subject to additional conditions and restrictions to which the owner has agreed. Its decision shall take effect immediately. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

1115.10 Approvals by the Appeals Board

- (a) Appeals Board shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Variances;
 - (2) Changes or Substitutions in Nonconforming Uses;
 - (3) Whenever a use is not specifically mentioned in this UDO, the Appeal Board shall make decisions of similar uses; and
 - (4) Administrative Appeals.
- (b) **Variances:** A variance may be granted by the Appeals Board, allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by this UDO where practical difficulties unique to the property in question prevent full compliance with such provisions and where as will not be contrary to the public interest. Use variances are not permitted under this UDO.
- (1) **Submittal Requirements:**
 - A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each variance request shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal Description of property or portion thereof;
 - (iv) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
 - (v) Payment of the application fee as established by section 1105.09; and
 - (vi) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 - B. *Specific Submittal Requirements:* An application for a variance shall be accompanied by the following information:
 - (i) Location and address of property that is the subject of the variance request;
 - (ii) Description or nature of variance requested;
 - (iii) Narrative statements establishing and substantiating the justification for the variance pursuant to the Standards for Approval for Variances;
 - (iv) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance, as directed by the Zoning Official; and
 - (v) Any other documents deemed necessary by the Zoning Official.

- (2) **Standards for Approval:** Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variance shall only be granted if the Appeals Board finds that all of the following standards are met:
- A. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.);
 - B. The special conditions or circumstances that exist did not result from the actions of the applicant;
 - C. There cannot be any beneficial use of the property without the variance;
 - D. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;
 - E. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;
 - F. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance;
 - G. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
 - H. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare; and
 - I. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.
- (3) **Additional Conditions and Safeguards:** In approving a request for a variance, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. If the applicant will not agree with such conditions, the Variance shall not be granted.
- (4) **Expiration of the Variance:** Variances shall expire one (1) year from the date of approval, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of any variance except upon further approval of Appeals Board.
- (5) **Extensions:** Extension of variances, without modification, may be applied for prior to the date of expiration, if the variance does not carry a prohibition against the extension. No more than two six-(6) month extensions may be granted by Appeals Board if it finds that the requested extension is consistent with the purpose, policies, and intent of the Comprehensive Development Plan and the requirements and standards of this UDO. Requests for renewal of expired variances shall be considered to be the same as a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

(c) Changes in Nonconforming Uses:(1) **Types of Changes:**

- A. *Substitutions in Uses:* A substitution in the nonconforming use of a building, structure or land with another nonconforming use shall only be permitted upon the approval of Appeals Board. A substitution of a nonconforming use that proposes interior or exterior building alterations may only make such alterations upon approval by the Appeals Board.
- B. *Extensions or Enlargements:* An extension or enlargement of a nonconforming use of a building, structure or land, or of a nonconforming building or structure, or extension of a nonconforming use through addition of a conforming use shall only be permitted upon approval of Appeals Board. The use that the applicant seeks to extend or enlarge must have been in existence at the time of passage of this UDO.

(2) **Submittal Requirements:**

- A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for change in a nonconforming use shall include an application form, provided by the City, with the submittal;
 - (ii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 - (iii) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - (iv) Legal Description of property or portion thereof;
 - (v) Payment of the application fee as established by section 1105.09;
 - (vi) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; and
 - (vii) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).
- B. *Specific Submittal Requirements:* The application shall include:
 - (i) Address and zoning classification of the subject property;
 - (ii) Description of the existing and proposed use or extension;
 - (iii) A narrative statement indicating how the substitution or extension meets the required standards;
 - (iv) Extent of any proposed interior or exterior building alterations that are being requested; and
 - (v) A list of the surrounding uses and zoning classification(s).

(3) **Standards for Approval:**

A. *Substitutions:* Appeals Board may approve the substitution of a nonconforming use with another if it finds the following conditions are met;

- (i) The proposed use is substantially similar to the existing nonconforming use or another permitted use under the existing zoning district classification;
- (ii) The proposed use is equally or more appropriate to the zoning district in which the use is located;
- (iii) The proposed use will not have no greater detrimental impact on surrounding uses or properties than the existing use it proposed it replace;
- (iv) The proposed use will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) The proposed use will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

B. *Extensions or Enlargements:* Appeals Board may approve the extension or enlargement of a nonconforming use if it finds the following conditions are met;

- (i) The proposed extension is reasonably necessary to allow the applicant to remain competitive with other similar uses;
- (ii) The proposed extension will not constitute a nuisance to surrounding existing or future uses or to the general public;
- (iii) The proposed extension will not have no greater detrimental impact on surrounding uses or properties;
- (iv) The proposed extension will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) The proposed extension will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

(4) **Additional Conditions and Safeguards:** In approving a request for a change in a nonconforming use, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the Change in Use shall not be granted.

- (d) **Determination of Similar Uses:** When a specific use is not listed in this UDO as a permitted or Conditional Use, Appeals Board has the authority to determine whether the specific use is similar in use to any permitted or conditional use of this UDO, or whether such use is prohibited under this UDO.
- (1) **General Submittal Requirements:** The following general requirements shall apply:
- A. Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;
 - B. Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
 - C. The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - D. Legal description of property or portion thereof;
 - E. Payment of the application fee as established by section 1105.09;
 - F. The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; and
 - G. A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).
- (2) **Specific Submittal Requirements:** The application shall include:
- A. Address and zoning classification of the subject property;
 - B. Description of any existing uses on the property;
 - C. A list of the surrounding uses and zoning classification(s); and
 - D. A detailed description of the proposed use.
- (e) **Approvals by the Appeals Board:** The following outlines the procedure under which the Appeals Board decides variances, changes in nonconforming uses, and determinations of similar uses under this Section.
- (1) **Pre-application Meeting:** Upon the recommendation of the Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application, the Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the Zoning Official that the City officially accept the application.

Only complete applications will be forwarded by the TRC to the Appeals Board.

- (4) **Preparation of Staff Report:** The Zoning Official shall prepare a staff report providing an analysis of the proposal and a recommendation. The Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Appeals Board at least three (3) working days prior to the meeting at which the Board will consider the application. At said meeting, the Zoning Official shall present his report to the Appeals Board.
- (5) **Notice of Public Hearing before Appeals Board:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Appeals Board's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (6) **Notice to Property Owners of Public Hearing before Appeals Board:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Action by the Appeals Board:** The Appeals Board shall consider the application at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Appeals Board shall consider this information and render a decision at public meeting. The Appeals Board shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. Its decision shall take effect immediately. Written notice of the Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Appeals Board made in rendering its decision.

- (f) **Administrative Appeals:** This Section identifies the responsibility for hearing appeals and establishes the appeals process for decisions made by the Zoning Official or the City Engineer.
- (1) **Appeal of Administrative Action:** Any person adversely affected by any order, requirement, decision, or determination made by the Zoning Official, or City Engineer, as applicable, in the administration or enforcement of this UDO may appeal such order, requirement, decision or determination to the Appeals Board.
 - (2) **Submittal Requirements:**
 - A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) An appeal application shall be on an application form provided by the City;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal Description of property or portion thereof;
 - (iv) Payment of the application fee as established by section 1105.09; and
 - (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
 - B. *Specific Submittal Requirements:* The Zoning Official shall attach to the application for Appeal all papers constituting the record upon which the action appealed from was taken.
 - (3) **Appeals:** Notwithstanding any other provision of this UDO, the following outlines the appeals process and requirements for appeals to Appeals Board from an administrative decision by the Zoning Official or the City Engineer:
 - A. Such appeal shall be made within twenty (20) days from the date of the action appealed from, by filing a notice of appeal with the Zoning Official.
 - B. Upon the filing of the appeal, the Zoning Official shall give notice to the applicant(s) of the date of the meeting at which Appeals Board will consider the appeal.
 - C. The Appeals Board shall hear the application and either grant or deny the requested appeal. Any party may appear in person or be represented by an agent or attorney. Written notice of Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Appeals Board made in rendering its decision.
 - (4) **Decision of Board:** The Appeals Board may, by a vote of at least four (4) members of the Board, and in conformity with this section, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end may have all powers of the officer from whom the appeal is taken.

1115.11 Approvals by the Zoning Official

- (a) The Zoning Official shall review applications for the following uses and approve, approve with modifications, or deny such applications in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Accessory Uses;
 - (2) Signs;
 - (3) Certificates of Zoning Compliance; and
 - (4) Temporary Uses.
- (b) **Accessory Uses:** Accessory Uses, because of their potential size, location, or intensity of activity, may have impact on adjacent property. Due to this potential impact, no accessory use may be constructed, installed or conducted upon any property or lot without the property owner first obtaining an Accessory Use Permit.
- (1) **Submittal Requirements:**
 - A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for an Accessory Use Permit shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal Description of property or portion thereof;
 - (iv) Payment of the application fee as established by section 1105.09; and
 - (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
 - B. *Specific Submittal Requirements:* The application shall include:
 - (i) Address and zoning classification of the subject property;
 - (ii) Description of the existing uses on the property and the proposed use;
 - (iii) A list of the surrounding uses and zoning classification(s); and
 - (iv) A Site Plan that meets the requirements of section 1115.08(d)(2).
 - (2) **Requirements:** Accessory uses and buildings may only be erected upon a lot on which a principal structure already exists. The use of the accessory building must be secondary and incidental to the principal use.
 - (3) **Standards for Approval:** No Accessory Use Permit shall be granted unless the proposed accessory use meets the general provisions, and applicable specific requirements, of the City's Accessory Use Regulations, as outlined in section 1113.05.

- (c) **Signs:** Unless approval is required by Planning Commission or Council under other applicable provisions of this UDO, no display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained until a Sign Permit has been issued by the Zoning Official.

(1) **Submittal Requirements:**

- A. *General Submittal Requirements:* The following general requirements shall apply:
- (i) Each request for a Sign Permit shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal Description of property or portion thereof;
 - (iv) Payment of the application fee as established by section 1105.09; and
 - (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
- B. *Specific Submittal Requirements:* The application shall include:
- (i) Address and zoning classification of the subject property;
 - (ii) Description of the existing uses on the property;
 - (iii) A list of the surrounding uses and zoning classification(s); and
- C. *A Sign Graphics Plan* showing:
- (i) The location of any proposed sign(s), including the sign's location with respect to existing right-of-way and property lines;
 - (ii) The location of all other existing signs whose construction requires permits, when such signs are on the same premises;
 - (iii) The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
 - (iv) The location, size, and illumination of wall signs, ground mounted signs, and directional signs; and
 - (v) Elevation drawings of ground mounted signs and wall signs shall also be included.
- (2) **Requirements:** All proposed signs shall meet the requirements outlined in section 1111.07 for the zoning district and proposed sign type.
- (3) **Standards for Approval:** No sign permit shall be issued unless the proposed sign meets all of the following standards:
- A. The Sign Permit application fulfills the purposes and intent of the UDO;
 - B. The proposed sign meets all applicable regulations outlined in section 1111.07; and
 - C. The public's health, safety and welfare will not be adversely impacted by the proposal.

(d) Certificate of Zoning Compliance: A Certificate of Zoning Compliance demonstrates that a proposed development complies with the requirements of the UDO. No building or other structure shall be erected, constructed, re-constructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a Certificate of Zoning Compliance has been issued.

(1) **When Required:**

- A. *PUDs/PRCDs*: Upon approval of the Construction Plans for the PUD or PRCD, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- B. *Subdivisions*: Upon approval of the Construction Plans for the subdivision, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- C. *Site Plans*: Upon approval of a Major Site Plan by the Planning Commission, or a Minor Site Plan by the Zoning Official, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- D. *Telecommunications Overlay District*: For structures requiring administrative approval, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. For structures requiring a Special Permit, upon approval of the Special Permit by Planning Commission, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- E. *Floodplain Overlay District*: A Floodplain Development Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development. For development that is exempt from filing for a Floodplain Development Permit, as listed in 1109.02(b)(9), an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- F. *Well Field Protection Overlay District*: For any new or expanded uses in the WFP Overlay District, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. The Planning Commission, in accordance with this UDO, shall review the application and issuance of the Certificate by the Zoning Official shall be authorized or denied by the Planning Commission.
- G. *Historic Overlay District*: Upon approval of a Certificate of Appropriateness by the Historic Review Board, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- H. *Permitted Uses in a Zoning District*: For any permitted use under this UDO for which a Site Plan is not required, before

any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.

- I. *Conditional Uses in a Zoning District:* For any conditional use under this UDO, for which Planning Commission Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
 - J. *Changes in Nonconforming Uses:* For any change in nonconforming use, for which Appeals Board Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
 - K. *Accessory Uses:* An Accessory Use Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
 - L. *Signs:* A Sign Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
 - M. *Other Development:* For any other development that is regulated by this UDO for which specific procedures are not outlined, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (2) **Submittal Requirements:**
- A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for a Certificate of Zoning Compliance shall include an application form, provided by the City, with the submittal;
 - (ii) Only complete applications shall be processed by the City. The City Engineer, the Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
 - (iii) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - (iv) Legal description of property or portion thereof;
 - (v) Payment of the application fee as established by section 1105.09; and
 - (vi) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner.
 - B. *Specific Submittal Requirements:*
 - (i) Address and zoning classification of the subject property;
 - (ii) Description of the existing and proposed use;
 - (iii) A list of the surrounding uses and zoning classification(s);

- (iv) Uses Requiring Administrative Approval in the Telecommunications Overlay District: all information determined necessary by the Zoning Official to show that the request meets the requirements of section 1109.01, and any specific submittal required by that Section.
 - (v) Uses in the Well Field Protection Overlay District: all information determined necessary by the City Engineer to show that the request meets the requirements of section 1109.03, and any specific submittal required by that Section, including a Site Plan.
 - (vi) A Site Plan, sketch plan or any other drawing, plans, or maps the City Engineer or the Zoning Official deems necessary.
- (3) **Standards for Approval:** No Certificate of Zoning Compliance shall be granted by the Zoning Official unless the proposed development or use meets all applicable requirements of this UDO.
- (4) **Expiration:** A CZC shall become void at the expiration of one- (1) year after the date of issuance unless construction has begun. If no construction has begun or the use has changed within one (1) year of the date of the certificate, a new application and certificate shall be required.
- (e) **Temporary Uses:** Temporary uses are uses of a charitable, local, or fund-raising nature that are temporary in nature and that may take place on public or private property. Examples of such uses include neighborhood block parties, carnivals or bazaars put on by a nonprofit corporation as a fundraising event, car shows, and farmer's markets.
- (1) **Submittal Requirements:**
- A. *General Submittal Requirements:* The following general requirements shall apply:
 - (i) Each request for a Temporary Use Permit shall include an application form, provided by the City, with the submittal;
 - (ii) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness;
 - (iii) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
 - (iv) Legal Description of property or portion thereof;
 - (v) Payment of the application fee as established by section 1105.09; and
 - (vi) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s), with a notarized letter of authorization from the property owner.
 - B. *Specific Submittal Requirements:*
 - (i) A sketch plan showing the boundaries of the property;
 - (ii) The use of adjacent properties identified and labeled;
 - (iii) The location of the temporary use or structure on the property; and
 - (iv) A narrative statement regarding the exact nature of the temporary use and plans to mitigate its impact on surrounding properties, by means of traffic control, limited access points, and/or hours of operation.

- (2) **Standards for Approval:** The following standards shall be considered in the review of Temporary Use applications:
 - A. The site, if undeveloped, contains sufficient open space to support the temporary use;
 - B. The site, if developed, contains an area that does not interfere with the function of the permanent use;
 - C. The temporary use has sufficient off-street parking; and
 - D. The public's health, safety, and welfare on and around the temporary use is assured.
 - (3) **Additional Conditions and Safeguards:** In approving a request for a temporary use, the Zoning Official may further prescribe any conditions and safeguards that he deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the temporary use shall not be granted.
- (f) Administrative Approvals by Zoning Official: The following outlines the procedure under which the Zoning and Zoning Official decides approvals:
- (1) **Pre-application Meeting:** If recommended by the Zoning Official, or upon the request of the applicant, the applicant shall meet with the Zoning Official or the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the Zoning Official may forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Upon receipt of a complete application, the TRC shall review the application and provide comments to the Zoning Official.
 - (4) **Action by the Zoning Official:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the Zoning Official shall render a decision. The Zoning Official shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. His decision shall take effect immediately. Written notice of the Zoning Official's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Zoning Official made in rendering his decision.
 - (5) **Appeal:** The decision by the Zoning Official may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.

1115.12 Approvals by the City Engineer

- (a) The City Engineer shall review applications for the following uses and approve, approve with modifications, or deny such applications in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Floodplain Development Permits;
 - (2) Landscaping Plans; and
 - (3) Stormwater Plans.
- (b) Floodplain Development Permits: A Floodplain Development Permit shall be obtained before construction begins on any parcel(s) or lot(s) within the Floodplain Overlay District. Applications for Floodplain Development Permits shall be reviewed and approved by the City Engineer, acting as Floodplain Administrator.
- (1) **Submittal Requirements**:
 - A. *General Submittal Requirements*: The following general requirements shall apply:
 - (i) Each request for a Floodplain Development Permit shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal Description of property or portion thereof;
 - (iv) Payment of the application fee as established by section 1105.09; and
 - (v) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vi) The City Engineer, or the TRC, as appropriate, shall make determination as to completeness, and only complete applications shall be processed by the City.
 - B. *Specific Submittal Requirements*: The applicant shall submit all information required by section 1109.02, including the required Site Plan.
 - (2) **Standards of Approval**: The application for a Floodplain Development Permit shall be reviewed and approved or denied in accordance with section 1109.02. Appeals from the decision of the Floodplain Administrator, and variances from the Floodplain Overlay District regulations and standards shall be applied for in accordance with section 1109.02(d).
- (c) Landscaping Plans: Landscape Plans shall be reviewed and approved by the City Engineer.
- (1) **General Submittal Requirements**: The following general requirements shall apply:
 - A. Each Landscaping Plan submittal shall include an application form, provided by the City, with the submittal;
 - B. The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the

- applicant(s) with a notarized letter of authorization from the property owner;
- C. Legal Description of property or portion thereof;
 - D. Payment of the application fee as established by section 1105.09; and
 - E. The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - F. Only complete applications shall be processed by the City. The City Engineer, or the TRC, as appropriate, shall make determination as to completeness.

Specific Submittal Requirements:

- (2) **Major Landscape Plan:** A Major Landscape Plan, prepared by a landscaping architect, shall be submitted with Major Site Plans and PUD and PRCD Development Plans. Proposed landscape treatment shall be indicated on the Major Landscape Plan and shall not be shown on any separately required Major Site Plan. Each Major Landscape Plan shall be drawn to scale, show the placement of individual plants and include the following information:
 - A. Project name and address;
 - B. Project owner's name, address and telephone number;
 - C. Name, address and telephone number of landscape architect;
 - D. Distance from the property to nearest intersecting street;
 - E. Signature panel for the Zoning Official;
 - F. North arrow, scale (1"= 20' preferred, no scale smaller than 1"= 40'), date and/or date of revisions;
 - G. A notation stating, "This landscape plan has been reviewed and approved by the owner/responsible agent who understands that any changes, substitutions, or deletions may require review and approval by the responsible reviewing authority;"
 - H. The species (common name and botanical name), location and crown spread to scale of all trees existing on the site prior to construction with a caliper of six inches or greater at common breast height. An indication of which trees are to be retained and which are to be removed, including a plan for how those to be retained will be preserved;
 - I. Existing and proposed buildings and accessory structures to include existing and proposed signs;
 - J. Zoning District boundaries and zoning designations of the site and adjacent properties;
 - K. Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
 - L. All sight triangles;
 - M. Location, width and names of all existing/proposed streets and watercourses;
 - N. All easements (provide dimensions and purpose);
 - O. Location of all existing and proposed utilities, both overhead and underground;
 - P. Principal buildings, streets (public and private), right-of-way lines and property lines;
 - Q. Location and type of trash disposal and details of screening;

- R. Location, height, type and material of all fences, walls, screen planting and landscaping details of all buildings and grounds. Show each individual plant on the plan;
 - S. Location of all ground mounted heating, ventilating and cooling equipment;
 - T. Location of all transformers;
 - U. Square footage measurements of the total site, building, parking and hard surface areas, and landscape areas. Show percentage of landscape area for the total project. For parking spaces, show percentage of interior landscape area;
 - V. Dimensions and distances of required landscape strips;
 - W. Landscape notes indicating the following: *All landscaping materials shall meet the minimum specifications and standards described in the "American Standard for Nursery Stock," 1986 or as may be amended, published by the American Association of Nurserymen, 1250 I Street, N.W., Suite 500, Washington, D.C. 20005;* and
 - X. Grading plan, including mounding, and topographical lines at one-foot intervals.
- (3) **Minor Landscape Plan:** A Minor Landscape Plan, prepared by a landscape architect, shall be submitted with a Minor Site Plan. Proposed landscape treatment shall be indicated on the Minor Landscape Plan and shall not be shown on any separately required Minor Site Plan. Each Minor Landscape Plan shall be drawn to scale, show the placement of individual plants and include the following information:
- A. Project name and address;
 - B. Project owner's name, address and telephone number;
 - C. Name, address and telephone number of landscape architect;
 - D. An indication of which trees are to be retained and which are to be removed, including a description of how those to be retained will be preserved;
 - E. Existing and proposed buildings and accessory structures to include existing and proposed signs;
 - F. Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
 - G. All site triangles;
 - H. Location of all existing and proposed utilities, both overhead and underground, and easements;
 - I. Principal buildings, streets (public and private), right-of-way lines and property lines;
 - J. Location and type of trash disposal and details of screening;
 - K. Location, height, type and material of all fences, walls, screen planting and landscaping of all buildings and grounds;
 - L. Location of all ground mounted heating, ventilating and cooling equipment and location of all transformers; and
 - M. Square footage measurements for the total site, building, parking and hard surface areas, and landscape areas.
- (4) **Alternative Landscape Plan:** Under certain conditions, the strict application of the City's landscaping requirements and standards, contained in section 1111.05, may be impractical. In order to accommodate modifications to existing landscaping requirements, an Alternative Landscape Plan, and a statement of justification for the Alternative Landscape Plan, may be submitted to the City Engineer. An Alternate Landscape Plan may be submitted with a Major Landscaping

- Plan or a Minor Landscaping Plan. Requests for Alternative Landscape Plans will be accepted for review only when one or more of the following conditions apply:
- A. The site involves space limitations or is an unusually shaped lot;
 - B. Topography, soil, vegetation, or other physical conditions of the lot are such that full compliance is impossible or impractical;
 - C. Public safety considerations are involved; and
 - D. Impact on the environmental quality of the lot and surrounding area will be improved with the proposed Alternative Landscape Plan.
- (5) **Standards for Approval:** A Landscape Plan shall not be approved unless it meets all of the following standards:
- A. The Landscape Plan fulfills the intent and purposes of the City's Landscaping Requirements and Standards, as outlined in section 1111.05;
 - B. The Landscape Plan is meets the applicable requirements and standards of City's Landscaping Requirements and Standards, as outlined in section 1111.06; and
 - C. The public's health, safety and welfare will not be adversely impacted by the proposal.
- (d) **Stormwater Management Plans:** The City Engineer shall review stormwater management plans in conjunction with Development Construction Plans, and/or Site Plans for all uses listed in section 1111.05. Review and approval of Stormwater Management Plans shall be in accordance with section 1111.05.
- (e) **Administrative Approvals by the City Engineer:** The following outlines the procedure under which the City Engineer decides development approvals:
- (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer, or as requested by the applicant, the applicant shall meet with the City Engineer or the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Engineer may forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Upon receipt of a complete application, the TRC shall review the application and provide comments to the City Engineer.
 - (4) **Action by the City Engineer:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the City Engineer shall render a decision. The City Engineer shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. His decision shall take effect immediately. Written notice of the City Engineer's decision, including all conditions that may be

associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Zoning Official made in rendering his decision.

- (5) **Appeal:** The decision by the City Engineer may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.

1115.13 Approvals by the Historic District Review Board

- (a) The Historic District Review Board shall review applications for Certificates of Appropriateness within the Historic Overlay District and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards outlined in this UDO.
- (b) Certificate of Appropriateness Required:
- (1) A Certificate of Appropriateness is required from the Historic District Review Board prior to any new construction, remodeling, reconstruction or demolition. A Certificate of Appropriateness is required from the Zoning Official prior to the onset of maintenance or repair such as set forth in subparagraph (3), below.
 - (2) A Certificate of Appropriateness is required from the Historic District Review Board prior to the erection of any sign that requires a permit pursuant the City's sign regulations, as outlined in section 1111.08.
- (c) Submittal Requirements:
- (1) *General Submittal Requirements:* The following general requirements shall apply:
 - A. Each request for a Certificate of Appropriateness shall include an application form, provided by the City, with the submittal;
 - B. The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s), with a notarized letter of authorization from the property owner;
 - C. Legal Description of property or portion thereof;
 - D. A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it (The list shall based upon the Warren County Auditor's current tax lists);
 - E. Payment of the application fee as established by section 1105.09; and
 - F. The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (2) *Specific Submittal Requirements:* The applicant shall submit with his application, drawings, material and color samples, sketches and other information that indicate or identify the proposed exterior, and that show that his proposal meets the design requirements and standards of the Historic Overlay District, as outlined in section 1109.04.
 - (3) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.

- (d) **Process - Historic District Review Board:** Applications for Certificates of Appropriateness from the Historic District Review Board shall be submitted and reviewed according to the following steps:
- (1) **Pre-application Meeting:** Upon the recommendation of the Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application for a Certificate of Appropriateness. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of section 1109.04. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC:** Upon receipt of an application, the City Engineer shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the Zoning Official that the City officially accept the application. Only complete applications will be forwarded to the Historic District Review Board Committee.
 - (4) **Review by the Historic District Review Board:** Upon determination by the TRC that an application contains all the necessary and required information, the Zoning Official shall place the application on Historic District Review Board's agenda.
 - (5) **Preparation of Staff Report:** The Zoning Official shall prepare a staff report providing an analysis of the proposal and a recommendation. The Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Historic District Review Board at least three (3) working days prior to the meeting at which the Board will consider the application. At said meeting, the Zoning Official shall present his report to the Historic District Review Board.
 - (6) **Historic District Review Board Recommendation:** The Historic District Review Board shall review the application for its compliance with the design requirements and standards of the Historic Overlay District, as outlined in section 1109.04, and shall approve, approve with modifications or disapprove such applications within thirty (30) days, unless the application is tabled at the request of the applicant or is tabled by the Board to gather additional information.
 - (7) **Appeal:** Upon approval with modifications or disapproval of an application, the applicant may appeal the decision of the Historic District Review Board to City Council. Such appeal shall be made within twenty (20) days from the date of the Board's decision by filing a notice of appeal with the Clerk of Council. Council may, by a vote of at least five (5) members reverse or modify the decision of the Historic District Review Board.
 - (8) **Issuance:** Upon approval of an application by the Historic District Review Board, or upon approval by Council upon appeal, the Zoning Official shall issue a Certificate of Appropriateness within thirty (30) days.

- (e) Process - Zoning Official Review: Applications for Certificates of Appropriateness from the Zoning Official shall be submitted and reviewed according to the following steps:
- (1) **Pre-application Meeting**: If recommended by the Zoning Official, or upon the request of the applicant, the applicant shall meet with the Zoning Official or the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal**: The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC**: Upon receipt of an application, the Zoning Official may forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Upon receipt of a complete application, the TRC shall review the application and provide comments to the Zoning Official.
 - (4) **Action by the Zoning Official**: Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the Zoning Official shall render a decision. The Zoning Official shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. His decision shall take effect immediately. Written notice of the Zoning Official's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten- (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Zoning Official made in rendering his decision.
 - (5) **Appeal**: The decision by the Zoning Official may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.
- (f) Requirements: All applications for Certificates of Appropriateness shall be reviewed for their compliance with the requirements and standards of the Historic Overlay District, as outlined in section 1109.04.
- (g) Standards for Approval: The Historic District Review Board and the City Council shall consider the following criteria in approving applications for Certificates of Appropriateness:
- (1) It fully complies with the applicable requirements of this UDO;
 - (2) It meets the specific design requirements of section 1109.04(f); and
 - (3) It meets the General Standards for Review outlined in section 1109.04(g).

1115.14 Other Approvals

(a) Building Permit:

- (1) **Definition:** A permit issued by the City authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure or portion thereof. Such permit shall not be issued without the signature of the City's Building Official, certifying compliance with the City's Building Code.
- (2) **Permit Process:** An application for a Building Permit shall be filed with the City on a form prescribed by the City, along with the fees and charges for building permits and inspections, as established by separate City Ordinance. Each application for a Building Permit shall contain or be accompanied by such information and plans as required on the application form and as otherwise required by the Building Official. The Building Official and any other applicable departments shall review the application and any required plans in order to determine whether the proposed work complies with the applicable provisions of the City's Building Code and all other applicable City ordinances and construction regulations.

(b) Occupancy Permit:

- (1) **Definition:** A new building or part of a new building, an addition or enlargement of any existing building, or an existing building may be occupied after being altered or moved, and a change in use or occupancy of any building may be made in any existing building only after the Building Official has issued an Occupancy Permit stating that the building and/or the proposed use complies with the provisions of this UDO and the City's Building Code.
- (2) **Permit Process:** An application for an Occupancy Permit shall be filed with the City on a form prescribed by the City, along with the fees and charges for Occupancy Permits and inspections, as established by separate City Ordinance. Each application for an Occupancy Permit shall contain or be accompanied by such information and plans as required on the application form and as otherwise required by the Building Official. The Building Official and any other applicable departments shall review the application and any required plans in order to determine whether the proposed work complies with the applicable provisions of this UDO, the City's Building Code and all other applicable City ordinances and construction regulations.