



**Part 11 – Unified Development Ordinance**

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To assist Internet users in navigating through a particular Code, each is prefaced by a Table of Contents. Once you have located the section of interest within the Table of Contents, click on it and the cursor will automatically take you to that particular section. Please note, this section may also be referenced in other City Codes (for example, Accessory Structures are also referenced in Part 13 – Building Code). Please contact the City Clerk's Office, at 614-583-5030 to be sure you have everything you are looking for and that you are viewing the most recent version of each document.

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# Article 4

## Development Procedures

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*Cross References*

1. Article 6: Development Standards
2. Streets and Services Code

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### §4.01 General Requirements

- A. The following requirements apply generally throughout this Article:
1. All applications for BZAP approval will first be reviewed by the Director of Development and may be reviewed by the TRC, at the Director of Development's discretion. The TRC will only review applications forwarded to it by the Director of Development. The Director of Development will prepare a report with recommendations and will make a presentation at the BZAP meeting as appropriate;
  2. Applications, other than variance applications, may be reviewed by BZAP in a regularly scheduled work session prior to the Board's regularly scheduled formal meeting as appropriate; and
  3. Unless otherwise indicated within this UDO, all applications for permits or other approvals shall be made to the Director of Development, and
- B. **Expiration:** BZAP applications, if postponed for more than 180 days from the original postponement, shall expire. A new application shall be required should the applicant decide to continue the review. (*Per Ordinance No. 106-2009*)

### §4.02 Consolidating Applications

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:

1. A variance along with a conditional use;
2. A variance along with a major accessory use;
3. A variance along with a major or minor site plan;
4. A variance along with a preliminary subdivision plan or preliminary development plan;
5. A conditional use along with a preliminary development plan;
6. A rezoning along with a petition for annexation;
7. Preliminary plan along with a final plat per Section 4.05 H.

#### **§4.03 Annexation and Boundary Adjustments**

- A. **Annexation:** All territory annexed to the City after August 1, 2007 shall immediately upon annexation be classified as a Planned Mixed-Use District. The Focus, Permitted and Conditional Uses, and Development Standards for the annexed territory will be the same as the Planned Mixed Use District area described in Section 5.04(A) that is closest to the annexed territory.
- B. **Boundary Adjustments:** All territory transferred to the City after August 1, 2007 from an adjoining municipal corporation shall immediately upon transfer be classified as a Planned Mixed-Use District. The Focus, Permitted and Conditional Uses, and Development Standards for the transferred territory will be the same as the Planned Mixed-Use District area described in Section 5.04(A) that is closest to the transferred territory.

#### **§4.04 UDO and Official Zoning Map Amendments**

- A. **Definition:** Zoning amendments include amendments to the Official Zoning Map and/or to the UDO text. Amendments can be initiated by a person, corporation, BZAP or City Council. Amendments are recognized as legislative acts and reviewed by the Director of Development, BZAP and approved by City Council.

B. **Amendment Process:** Amendments may be initiated in one of the following ways:

1. By the filing of an application to BZAP by the owner(s) of property within the area proposed to be affected or changed by said amendment;
2. By the filing of a staff report to BZAP by the Community & Economic Development Department or the City Manager.
3. By the adoption of a motion by BZAP; or
4. By the adoption of a motion by City Council and referral to BZAP.

All text and map amendments shall follow the same procedure. City Council initiated text or map amendments shall be referred to BZAP for recommendation prior to City Council consideration. City Council may by majority vote waive any of the procedural requirements.

C. **Standards for Approval:** The following criteria shall be followed in approving zoning map amendments to the UDO:

1. That the zoning district classification and use of the land will not materially endanger the public health or safety;
2. That 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;
3. That the proposed zoning district classification and use of the land will not substantially injure the value of the abutting property;
4. That 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 the neighborhood in which it is located;
5. That the proposed zoning district classification and use of the land will generally conform with the Master Plan and other official plans of the City;
6. That 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. That the proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.

D. **Amendment Process Steps** : Amendments to the UDO text or map shall be submitted seven days prior to the application deadline established by BZAP and according to the following steps: *(Per Ordinance No. 106-2009)*

1. **Pre-application Meeting**: The applicant shall meet with the Director of Development 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. **Preliminary Review by Development Director**: Upon receipt of an application, the Director of Development shall, within five working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Director of Development 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 it is complete, the Director of Development shall forward the application to the members of the TRC, if applicable. A complete application package shall be forwarded to BZAP.
3. **Review by the TRC**: The members of the TRC shall review the application and forward comments within five days to the Director of Development, who shall then forward the comments of the TRC to the BZAP.
4. **Public Hearing and Notice by Director of Development**: Within five working days of determining that an application contains all the necessary and required information, the Director of Development shall place the application on a BZAP 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 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 notice shall indicate that the text of the proposed amendment, maps, and plans (if applicable) are on file for public examination in the office of the Director of Development. The notice or the proposed amendment, maps and plans (if applicable) may also be posted on the City's website. If no newspaper of general circulation exists in the City, then the notice shall be posted on the City's website. *(Per Ordinance No. 106-2009)*
5. **Notice to Property Owners**: If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the Auditor's current tax duplicate, written notice of the public hearing shall

be provided to all owners of property proposed to be rezoned or redistricted and property owners within 300 feet of the area proposed to be rezoned or redistricted. The applicant shall provide a list (based upon the Auditor's current tax duplicate) to the Director of Development of the owners names and addresses within 300 feet of the area proposed to be rezoned. Such notice shall be sent, at least 10 days before the date of the hearing, by the applicant via certified mail, addressed to the owners appearing on the Auditor's current tax duplicate and to such other property owners as verified by staff.

If the proposed amendment is City initiated, the City shall provide written notice of the public hearing to all owners of property proposed to be rezoned or redistricted and property owners within 300 feet of the area proposed to be rezoned or redistricted. Such notice shall be sent, at least 10 days before the date of the hearing, via regular mail addressed to the owners appearing on the Auditor's current tax duplicate.

For purposes of this subsection, "rezone or redistrict" mean an amendment to the Official Zoning Map and does not include text amendments to the UDO.

Notification shall be considered complete upon deposit of the written notice in the mail. The failure of delivery or lack of receipt of such notice shall not invalidate any such amendment or ordinance. *(Per Ordinance No. 106-2009)*

6. **BZAP Hearing and Recommendation:** BZAP shall review the application and recommend that the amendment be granted as requested; be granted as modified by BZAP; or be denied. BZAP shall indicate the specific reasons(s) for its recommendation.
7. **Public Hearing and Notice by City Council:** Following receipt of the recommendation from BZAP, the City Clerk shall schedule a public hearing on the proposed amendment.
8. **Notice to Property Owners by City Council:** The City Clerk shall publish a legal notice for three (3) consecutive publications in a newspaper of local circulation prior to the scheduled public hearing. Such notice shall set forth the nature of the request, the public hearing dates and the meeting dates for discussion on the proposed amendment and for final action by Council. The notice shall indicate that the text of the proposed amendment, maps, and plans (if applicable) are on file for public examination in the office of the Director of Development. The notice or the proposed amendment, maps and plans (if applicable) may also be posted on the City's website. If no newspaper of general circulation exists in the City, then the notice shall be posted on the City's website. *(Per Ordinance No. 106-2009)*

9. **Action by City Council:** After the public hearing required by Section 4.04 D7 above, City Council shall adopt BZAP's recommendation; deny the recommendation; or adopt some modification thereof.
10. **Effective Date:** The amendment shall become effective after the passing of 30 consecutive calendar days following approval by the City Council unless otherwise indicated by emergency legislation.

**E. Submittal Requirements:** The following information shall be submitted:

1. The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s);
2. Legal description of the parcel(s) to be rezoned, drawn by a surveyor registered in the State of Ohio;
3. A statement of the reason(s) for the proposed amendment;
4. Present use and zoning district;
5. Proposed use and zoning district of the subject site plus all parcels within 100 feet;
6. A vicinity map at a scale approved by the Director of Development showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Director of Development may require;
7. A list of all owners of abutting property including any abutting property located in adjoining communities;
8. A statement on the ways in which the proposed amendment relates to the Master Plan; and
9. The payment of the application fee as established by Council.

#### §4.05 Development Approvals: Categories and Criteria

- A. **General Requirements:** The following table summarizes the development approvals permitted under the UDO. The subsequent sections of the UDO define the applicable approval processes and submittal requirements.

**Table 4-A: Development Approvals**

Request	UDO Permit(s) Required Before Construction	Submittal Requirement	Approval Authority	Initial Appeal Body
Accessory Use – Major	Accessory Use Permit/CZC	Major Site Plan, CZC Application	BZAP	City Council
Accessory Use – Minor	Accessory Use Permit/CZC	Minor Site Plan, CZC Application	Director of Development	BZAP
Certificate for Nonconformances	Certificate for Nonconformances	Certificate for Nonconformances	Director of Development	BZAP

		Application		
Certificate of Zoning Compliance (CZC)	CZC	CZC Application	Director of Development	BZAP
Change in Use	Change in Use Permit/CZC	Change in Use Application, CZC Application	Director of Development	BZAP
Conditional Use	Conditional Use Certificate/CZC	Major Site Plan, CZC Application	BZAP	City Council
Development Plan	CZC	Preliminary Development Plan, Final Development Plan	BZAP	City Council
Preliminary		Preliminary (see 4.07Q)	BZAP	City Council
Final Plat	NA	Final Plat Application	City Council (accepts final plat)	Court of Common Pleas
Floodplain Permit	Floodplain Permit/CZC	Floodplain Permit Application, CZC Application	Director of Development	BZAP
Sign	Sign Permit/CZC	Sign Permit Application, CZC Application	Director of Development	BZAP
Site Plan – Major	NA	Site Plan – Major Application	BZAP	City Council
Site Plan – Minor	NA	Site Plan – Minor Application	Director of Development	BZAP
Subdivision – Major	Preliminary Plan	Preliminary Plan Application	BZAP	City Council
Subdivision – Minor	Minor Subdivision	Minor Subdivision Application	Director of Development	BZAP
Temporary Use	Temporary Use Permit	Temporary Use Application	City Manager	City Council
Variance	NA	Site Plan	BZAP	City Council
Rezoning	N/A	Rezoning Application	City Council	Referendum
Code/Text Amendment	N/A	Text Amendment Application	City Council	Referendum
Historic Demolition	Certificate of Economic Hardship	Certificate of Economic Hardship Application	BZAP	City Council
Historic Demolition	Historic Demolition Permit	Historic Demolition Permit Application	BZAP	City Council
Design Review for Historic Demolitions	Building Permit after a Historical Demolition		BZAP	City Council
Design Review	Building Permit		Director of Development	BZAP

BZAP= Board of Zoning and Planning  
CZC=Certificate of Zoning Compliance

- B. **Accessory Use and Buildings – Major:** A Major Accessory Use is an accessory use that, because of its size, location, or intensity of activity, may have impact on adjacent property and is listed as a Major Accessory Use in Table 5-A. Accessory uses and buildings may 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. Major accessory uses and buildings are considered for approval by BZAP. See Section 6.09 for standards.

- C. **Accessory Use and Buildings – Minor:** A Minor Accessory Use is an accessory use that will not have significant impact on adjacent property and is listed as a Minor Accessory Use in Table 5-A. Accessory uses and buildings may 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. Minor accessory uses and buildings are considered for approval by the Director of Development. See Subsection 6.09 for standards.
- D. **Certificates of Zoning Compliance (CZC):** The Certificate of Zoning Compliance shall demonstrate that an approved 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 the following has occurred:
1. The owner of the property involved or a person having an interest in such property and acting under written authority of the owner has applied for a Certificate of Zoning Compliance (CZC);
  2. The application for a CZC shall include the submittal of a site plan as defined here;
  3. The Director of Development or BZAP shall review and approve a CZC depending upon whether a major or a minor site plan is required; and
  4. The Director of Development has issued the zoning certificate following approval of the site plan.
- A CZC shall become void at the expiration of one year after the date of issuance unless construction has begun. If no construction has begun or the use has changed within one year of the date of the certificate, a new application and certificate shall be required. Construction is deemed to begin when all necessary excavation and piers or footings of one or more principal buildings included in the plan have been completed.
- E. **Changes in Use:** A change in the use of a building or structure may be approved by the Director of Development if the use is substantially similar to the existing use or another permitted use under the existing zoning district classification as indicated on the Official Zoning Map. A change in use may or may not involve interior or exterior building alterations. An application must be filed.
- F. **Conditional Use:** Conditional uses are those uses that because of special requirements or characteristics, may be allowed in a particular zoning district only after review by BZAP and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same district zone or vicinity. A conditional use shall be allowed in a zoning district after permission is granted by BZAP in accordance with the provisions of the UDO. Development standards for each conditional use are described in Section 6.10.

1. **Standards for Approval:** The following standards shall be considered in the review of conditional use applications:
  - a. The conditional use is a permitted conditional use in the District for which it is proposed;
  - b. The conditional use will be in accordance with the general objectives, or with any specific objective, of the City's Master Plan or this UDO;
  - c. The conditional use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  - d. The conditional use will not be hazardous or reasonably disturbing to existing or future neighboring uses;
  - e. The conditional use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;
  - f. The conditional use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
  - g. The conditional use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
  - h. The conditional use will have vehicular approaches to the property, which shall be designed so as not to interfere with traffic on surrounding public thoroughfares; and
  - i. The conditional use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

A conditional use certificate shall authorize a particular conditional use on a specific parcel for which it was approved. The conditional use certificate is non-assignable and shall expire six months from the date of enactment, unless prior to that date the applicant commences actual construction or business. There shall be no modification of a conditional use certificate except by City Council Ordinance.

- G. **Development Plan:** Approval of a Development Plan is required within the Planned Mixed-Use District and the Planned Shopping Center District. The two-step Development Plan review and approval process includes submission of a Preliminary Development Plan and a Final Development Plan. Both plans

are reviewed by staff, the TRC and BZAP. Depending on the scope and complexity of the project proposed, BZAP may permit the Preliminary Development Plan and the Final Development Plan to be combined as one submission. That request should be made at the work session with BZAP.

1. **Standards for Approval:** The following standards shall be considered in the review of Development Plan applications:
  - a. That it fully complies with the applicable requirements of this Ordinance;
  - b. That it adequately protects other property or other uses located on the same property;
  - c. That it is consistent with other development on nearby property;
  - d. That it provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
  - e. That it provides safe ingress and egress to emergency vehicles on the site.

After the Final Development Plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of buildings may be requested by the proponents. The Director of Development shall review and approve amendments to Final Development Plans if the change involves 25 percent or less of the original floor area, not to exceed 10,000 square feet. Amendments to Final Development Plans exceeding 25 percent of the floor area, or 10,000 square feet, shall be reviewed and approved by BZAP.

After the Final Development Plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of items other than buildings, such as drives, parking areas, recreation areas, entrances, heights, yards, signage, landscaping, exterior lighting, or similar modifications, may be requested by the proponents.

The Director of Development shall review and may approve such amendment(s) unless the Director determines that such amendment substantially modifies the original development plan, in which case BZAP shall review and approve such amendment.

- H. **Final Plat:** A final plat must be accepted by City Council and recorded by the Franklin County Recorder's Office before lots may be transferred.

1. **Standards for Approval:** The following standards shall be considered in the review of Final Plat applications:
  - a. The Final Plat is in accordance with the Preliminary Plan;

- b. The City Engineer has approved all infrastructure construction plans;
    - c. Homeowners association and other agreements have been approved by the City Attorney's Office;
    - d. Maintenance bonding requirements have been met; and
    - e. All fees have been paid.
- I. **Floodplain Permit:** A Floodplain Permit shall be obtained before construction begins within any area of special flood hazard as established in Section 6.05, Basis for Establishing the Areas of Special Flood Hazard. Application for a floodplain permit shall be made on forms furnished by the Department of Development.
  1. **Standards for Approval:** The following standards shall be considered in the review of Floodplain Permit applications:
    - a. The flood plain application does not include uses that are dangerous to health, safety and property;
    - b. The application includes uses that are protected against flood damage at the time of construction;
    - c. The alteration of stream channels, natural floodplains and protective barriers are controlled; and
    - d. The filling, grading, dredging, and other development are sufficiently controlled.
- J. **Landscape Plan:** A Landscape Plan shall be submitted as part of the site plan and Planned Mixed Use District review process. Such plans shall be reviewed and approved by the Director of Development.
  1. **Standards for Approval:** The following standards shall be considered in the review of Landscape Plan applications:
    - a. The Landscape Plan fulfills the purposes and intent of the UDO;
    - b. The Landscape Plan is in concurrence with relevant City plans and policies; and
    - c. The public's health, safety and welfare will not be adversely impacted by the proposal.
- K. **Lighting Plan:** Prior to the approval of a Building Permit, Occupancy Permit, or Certificate of Zoning Compliance, a plan demonstrating compliance with the exterior lighting standards of Section 6.08 will be submitted and approved by, the Director of Development.
  1. **Standards for Approval:** The following standards shall be considered in the review of Lighting Plan applications:
    - a. The Lighting Plan fulfills the purposes and intent of the UDO;

- b. The Lighting Plan is in concurrence with relevant City plans and policies; and
  - c. The public's health, safety and welfare will not be adversely impacted by the proposal.
- L. **Sign Permit:** No display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained until a sign permit has been issued by the Director of Development. This provision shall not apply to signs described in Section 6.06 C.
- 1. **Standards for Approval:** The following standards shall be considered in the review of Sign Permit applications:
    - a. The Sign Permit application fulfills the purposes and intent of the UDO;
    - b. The Sign Permit application is in concurrence with relevant City plans and policies; and
    - c. The public's health, safety and welfare will not be adversely impacted by the proposal; and
    - d. The Sign Permit application meets the provisions of any applicable comprehensive graphics plan for the development. *(Per Ordinance 8-2012)*
- M. **Site Plan – Major:** Approval of a Site Plan is required for zoning approval prior to construction. BZAP shall review all applications that do not meet the definition of a Minor Site Plan as provided for in Subsection 4.05 N1.

After the Major Site Plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of buildings, may be requested by the proponents. The Director of Development shall review and approve amendments to Major Site Plans if the change involves 25 percent or less of the original floor area, not to exceed 10,000 square feet. Amendments to Major Site Plans exceeding 25 percent of the original floor area, or 10,000 square feet, shall be reviewed and approved by BZAP.

After the Major Site Plan has been approved by BZAP, and in the course of carrying out this plan, adjustments or rearrangements of items other than buildings, such as drives, parking areas, recreation areas, entrances, heights, yards, signage, landscaping, exterior lighting, or similar modifications shall be reviewed and approved against all other UDO requirements.

- 1. **Uses Requiring Major Site Plan Review:** The following uses and additions to uses require major site plan review:
  - a. Multi-family buildings four units and above;
  - b. Commercial office and all other non-residential buildings and structures;
  - c. Additions greater than 25 percent or 10,000 square feet;
  - d. Parking structures and facilities and parking lots;

- e. Public buildings and structures;
  - f. Parks; and
  - g. Places of worship.
2. **Standards for Approval:** The following standards shall be considered in the review of Major Site Plan applications:
- a. That it fully complies with all applicable requirements of this Ordinance;
  - b. That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
  - c. That it is consistent with the use and character of surrounding properties;
  - d. That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and
  - e. That it provides safe ingress and egress for emergency services.

Following approval of a site plan the Director of Development shall issue a CZC.

The Director of Development shall review amendments to Major Site Plans if the change involves 25 percent or less of the original floor area, not to exceed 10,000 square feet. Amendments to major site plans exceeding 25 percent of the original floor area, or 10,000 square feet, shall be reviewed by BZAP. The Director of Development shall determine whether amendments to Major Site Plans, other than those that are related to floor area, require BZAP review. These amendments may include architectural design features, footprint location, fencing or other elements of the approved plan.

- N. **Site Plan – Minor:** Approval of a Site Plan is required for zoning approval prior to construction. The Director of Development shall review: single-family residences; accessory uses and structures, multi-family dwellings of three units or less; signs; and non-residential additions up to 25 percent or less of the original floor area, not to exceed 10,000 square-feet.

1. **Uses Requiring Minor Site Plan Review:** The following uses and additions to uses require minor site plan review:
- a. Single family buildings;
  - b. Accessory uses and structures;
  - c. Multi-family dwellings of three units or less;
  - d. Signs; and

- e. Non-residential additions up to 25 percent of the original floor area not to exceed 10,000 square feet.
2. **Standards for Approval:** The following standards shall be considered in the review of Minor Site Plan applications:
    - a. That it fully complies with all applicable requirements of this Ordinance;
    - b. That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
    - c. That it is consistent with the use and character of surrounding properties;
    - d. That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and
    - e. That it provides safe ingress and egress for emergency services.
- O. **Subdivision – Major:** A Major Subdivision is a platting of land for the purposes of development and transfer of ownership. It requires approval of a preliminary plan by BZAP, approval of a final plat by BZAP, acceptance by Council, and recording of the final plat prior to the transfer of land.
1. **Standards for Approval:** The following standards shall be considered in the review of Major Subdivision applications:
    - a. The proposed subdivision is not contrary to the applicable standards of the UDO;
    - b. The proposed lots in the subdivision shall have adequate space to accommodate the building area and other site requirements;
    - c. The property has been surveyed and other information relating to the property has been submitted with the application;
    - d. The proposed lots have been approved for access management and stormwater management; and
    - e. The proposed lots have been approved relative to emergency access.
- P. **Subdivision – Minor:** A Minor Subdivision or lot split is a division of a parcel of land that is approved by the Director of Development and does not require a plat to be approved by BZAP.
1. **Standards for Approval:** The following standards shall be considered in the review of Minor Subdivision applications:
    - a. The proposed subdivision is not contrary to the applicable standards of the UDO;

- b. The proposed subdivision shall have adequate area to accommodate the building area and other site requirements;
- c. The property has been surveyed and an acceptable sketch, legal description and other information relating to the property has been submitted with the application;
- d. The proposed lots have been approved for access management and stormwater management; and
- e. The proposed lots have been approved relative to emergency access.

Q. **Temporary Use:** A temporary use may be approved by the City Manager.

1. **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
- e. The public's health, safety, and welfare on and around the temporary use is assured.

R. **Certificate of Economic Hardship:** After reviewing all evidence provided by an applicant for a Certificate of Economic Hardship, the Board shall determine whether such a certificate is appropriate by considering whether:

1. Denial of a Certificate will result in a substantial economic burden on the applicant because the structure cannot be maintained in its current form at a reasonable cost during the required 180 day delay demolition period ;
2. During the 180 day delay demolition period, the denial of a certificate of economic hardship would result in substantial and unanticipated economic costs relating to the property that would not have been incurred except for the requirements that were imposed by the demolition review.

S. **Graphics Plan:** Prior to issuing a Sign Permit in any PMUD-zoned district, a plan demonstrating the types, sizes and locations of signage permitted in the development shall be approved by BZAP.

1. **Standards for Approval:** The following standards shall be considered in the review of Graphics Plan applications:

- a. The Graphics Plan fulfills the purposes and intent of the UDO;
- b. The Graphics Plan application is in concurrence with relevant City plans and policies; and

- c. The public's health, safety and welfare will not be adversely impacted by the proposal.

#### §4.06 Development Approvals: Procedure

- A. **General Requirements:** This Section of the UDO outlines a series of actions that are required for specific development approvals. These actions are:
  1. Approvals by the Director of Development;
  2. Approvals by BZAP;
  3. Floodplain permit process;
  4. Major subdivision process; and
  5. Minor subdivision process.
- B. **Approvals by Director of Development:** The following outlines the procedure under which the Director of Development decides development approvals:
  1. **Preapplication Meeting:** The applicant shall meet with the Director of Development 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. This shall occur consistent with the submittal schedule established by the Director of Development.
  3. **Application Certification by Director of Development:** Upon receipt of an application, the Director of Development shall, within five working days, review the application as to completeness. If it is incomplete, the Director of Development shall advise the applicant of the deficiencies and shall not process the application until the deficiency is corrected. If it is complete and appropriate in the Director's professional judgment, the application shall be forwarded to the TRC, if applicable.
  4. **Review by the TRC:** At the Director's Discretion, members of the TRC may review the application and provide comments within five days to the Director of Development.
  5. **Action by the Director of Development:** Within 15 working days of a complete application, the Director of Development shall render a decision to approve, approve with conditions, or deny an application. The decision shall be communicated by permit, certificate of zoning compliance or letter to the applicant citing the reasons for the decision.

6. **Appeal:** The decision by the Director of Development can be appealed to BZAP per Section 4.10 B.
- C. **Approvals by BZAP:** The following outlines the procedure under which BZAP decides development approvals:
1. **Preapplication Meeting:** The applicant shall meet with the Director of Development 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. **Review by BZAP:** The applicant is encouraged to meet with BZAP prior to submitting an application. The purpose of the work session is to provide feedback regarding the applicant's proposal and to outline submittal requirements. At the applicant's request, the Director of Development will place the informal proposal on the work session agenda.
  3. **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. This shall occur consistent with the meeting and submittal schedule established by BZAP. *Zoning map amendment applications shall be submitted seven days prior to the date noted on this schedule. (Per Ordinance No. 106-2009)*
  4. **Application Certification by Development Director:** Upon receipt of an application, the Director of Development shall, within five working days, review the application as to completeness. If it is incomplete, the Director of Development shall advise the applicant of the deficiencies and shall not process the application until the deficiency is corrected. If it is complete, the Director shall forward the application to the TRC, if applicable.
  5. **Preparation of Agenda and Public Notice:** Following certification that an application is complete, the Director of Development shall place the application on the agenda of BZAP's formal meeting.

Notice of the hearing shall be given at least once in one or more newspapers of general circulation in the City, or on the City's website, and/or in a conspicuous location at the Municipal Services Center. Notice shall be published and/or posted at least five 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. *(Per Ordinance No. 106-2009)*

The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within 100 feet of the subject area to the Director of Development. Such notice shall be sent, by the

applicant by certified mail, at least 10 days before the date of the hearing addressed to the owners appearing on the County Auditor's current tax list and to such other list or lists as verified by staff. The notice shall contain the same information as required of notices published in newspapers as specified.

The application, staff recommendation and associated material shall be on file for public examination in the office of the Director of Development.

6. **Review by TRC:** At the Director's discretion, the members of the TRC may review the application at a meeting and provide comments within five days to the Director of Development.
7. **Preparation of Staff Report:** The Director of Development shall prepare its staff report providing an analysis of the proposal and a recommendation. The Director shall consider comments from the TRC in formulating its recommendation. The application and written report shall be forwarded to BZAP three working days prior to the meeting at which BZAP will consider the application.
8. **Action by BZAP:** BZAP shall consider the application at its formal public meeting. It shall consider comments by staff as appropriate, a presentation by the applicant, and comments by interested parties. BZAP shall consider this information and render a decision at the public meeting. If requested by Staff, BZAP can continue the hearing for no more than 60 days, at which time it shall render a decision. If requested by the applicant, BZAP can continue the hearing for no more than 180 days, at which time it shall render a decision. In rendering a decision, BZAP shall consider the applicable decision criteria of this UDO. BZAP shall approve, approve with conditions or deny an application. Its decision shall take effect immediately. *(Per Ordinance No. 57-2013)*
9. **Appeal:** The decision by BZAP can be appealed to the City Council per Section 4.10 C.
10. **Consent Agenda:** The purpose of this agenda is to consider matters and applications before the Board that meet most, if not all, the applicable UDO requirements and require no further review or discussion on behalf of BZAP. The Director of Development shall, upon consultation with the applicant and the TRC, decide the order of items to appear on the consent agenda. BZAP will here testimony from parties attending the meeting and interested in a particular consent agenda item. Items may be removed from the consent agenda and placed on the regular agenda for that meeting at the request of the applicant or members of BZAP. Removal of an item from the consent

agenda for placement on the regular agenda requires a majority vote of BZAP members.

D. **Floodplain Permit Procedure:** The Director of Development is hereby appointed to administer and implement this Ordinance by granting or denying floodplain permit applications in accordance with its provisions.

1. **Procedure:** The Director of Development shall:

- a. Review all floodplain permits to determine that the permit requirements of this Ordinance have been satisfied;
- b. Review all floodplain permits to assure that all necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act;
- c. Review all floodplain permits to determine if the proposed development is located within a designated floodway. Floodways are delineated on the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information;
- d. If the proposed development is located within a designated floodway, assure that the encroachment complies with the provisions of Section 6.05; and
- e. If determined as appropriate, submit an application for a floodplain permit to the TRC for review prior to his or her approval.

2. **Use of Other Base Flood Elevation and Floodway Data:** Areas of special flood hazard where base flood elevation data have not been provided by FEMA, in accordance with Section 6.05 A2, Basis for Establishing the Areas of Special Flood Hazard, are designated as Zone A on Upper Arlington's Flood Insurance Rate Map. Within these areas, the Director of Development shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source.

3. **Information to be Obtained and Maintained:** Where base flood elevation data are utilized within areas of special flood hazard on Upper Arlington's Flood Insurance Rate Map, regardless of the source of such data, the following provisions apply:

- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or

substantially improved structures, and whether or not such structures contain an enclosure below the lowest floor; and

- b. For all new or substantially improved flood proofed non-residential structures: verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; maintain the flood proofing certifications required in Section 6.05; and, maintain for public inspection all records pertaining to the provisions of this Ordinance.

4. **Alteration of Watercourse:** The Director of Development shall also:

- a. Notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA. A watercourse is considered to be altered, if any change occurs within its banks;
- b. Maintain engineering documentation required in Section 6.05 that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished;
- c. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished; and
- d. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.09 B, Variance Process.

E. **Subdivision – Major:** Before any land is subdivided 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 following procedures, which includes a Preliminary Plan and Final Plat.

1. **Preliminary Plan Preapplication Meeting:** The developer/subdivider shall meet with the Director of Development prior to submitting a Preliminary Plan for consideration by BZAP. Following the conclusion of the meeting, the Director of Development shall forward to the developer/subdivider a written summary of the results of the preapplication meeting including recommendations and all attached comments.

2. **Preliminary Review by Development Director:** Upon receipt of an application, the Director of Development shall, within five working days, review the application as to completeness. If it is incomplete, the Director of Development shall advise the applicant of the deficiencies and shall not process the application until all the necessary required information has been provided. If it is complete, the Director of Development shall submit the application to the TRC.
3. **Review by the TRC:** The TRC shall review the application after the Director of Development determines that the application is complete and forward its comments within five days to the Director of Development. The Director of Development shall forward copies of all documents filed with the Department of Development to BZAP along with any report or recommendation of the TRC.
4. **Public Hearing and Notice by Director of Development:** Within five working days of determining that an application contains all the necessary and required information, the Director of Development shall place the application on the agenda and schedule a public hearing on the application. 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 days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the application. The maps and plans (if applicable) shall be on file for public examination in the office of the Director of Development.
5. **Notice to Property Owners:** The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within 100 feet of the area proposed to be platted to the Director of Development. Such notice shall be sent, by the applicant by certified mail, at least 10 days before the date of the hearing addressed to the owners appearing on the County Auditor's current tax list and to such other list as verified by staff. The notice shall contain the same information as required of notices published in newspapers as specified in Section 4.06 E4 above.
6. **BZAP Approval:** BZAP shall review the application and recommend that the Preliminary Plan be approved as requested; that the Preliminary Plan be approved as modified by BZAP; or that the Preliminary Plan be denied. The decision of BZAP shall indicate the specific reasons(s) upon which the recommendation is based.
7. **Plan Resubmittal:** The developer/subdivider shall submit a reproducible original Preliminary Plan meeting the approval and conditions of BZAP to the Director of Development for approval and signature. The Plan shall meet the submittal requirements of Section 4.07 Q.

8. **Expiration:** The approval of a Preliminary Plan by BZAP shall be effective for a maximum period of 12 months and shall guarantee that the terms under which the approval was granted will not be affected by changes to the UDO. If after this 12-month period, any phase(s) or portion(s) of the original approved Preliminary Plan has not received Final Plat approval, then no Final Plat approval will be given unless one six-month extension of the Preliminary Plan approval is requested in writing to and granted by BZAP. BZAP may grant no more than one six-month extension.
9. **Construction Drawings:** A set of construction drawings for all improvements shall be provided to the City Engineer per the City Engineer's requirements.
10. **Final Plat Preapplication Meeting:** The developer/subdivider is encouraged to meet with the Director of Development prior to submitting a Final Plat for consideration by BZAP. Following the conclusion of the meeting, the Director of Development shall forward to the developer/subdivider a written summary of the results of the preapplication meeting including recommendations and all attached comments.
11. **Preliminary Review by Development Director:** Upon receipt of an application, the Director of Development or a designated representative shall, within five working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Director of Development 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 submitted. Final Plats for all phases of the subdivision must be submitted within 12 months of the Preliminary Plan approval, unless one extension has been granted by BZAP not to exceed six months.
12. **Review by TRC:** The TRC shall review the application after the Director of Development determines that the application is complete and forward its comments within five days to the Director of Development. The Director of Development shall forward copies of all documents filed with the Department of Development to BZAP along with any report or recommendation of the TRC.
13. **Public Hearing and Notice by Director of Development:** Once a complete application has been received, the Director of Development shall place the application on the agenda and schedule a public hearing on the Final Plat. Notice of the hearing shall be given at least once in one or more newspapers of general circulation in the City. The

notice shall be published at least five days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the application.

14. **Notice to Property Owners:** The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within 100 feet of the area proposed to be platted to the Director of Development. Such notice shall be sent, by the applicant by certified mail, at least 10 days before the date of the hearing addressed to the owners appearing on the County Auditor's current tax list and to such other list or lists as verified by staff. The notice shall contain the same information as required of notices published in newspapers as specified in Section 4.06 E13 above.
15. **BZAP Hearing and Recommendation:** BZAP shall recommend, within 30 days after the public hearing that the Final Plat be approved as requested; that the Final Plat be approved as modified by BZAP; or that the Final Plat be denied. The decision of BZAP shall indicate the specific reasons(s) upon which the recommendation is based. *(Per Ordinance No. 57-2013)*
16. **City Council Acceptance of Final Plat:** Within 30 days after BZAP makes its recommendation, the plat shall be transmitted to the City Council. City Council shall approve, approve with modifications, or deny the plat. Approval of the Final Plat by the Council shall be deemed to constitute acceptance by the public of the dedication of every street and other proposed public way or space shown on said plat. *(Per Ordinance No. 106-2009)(Per Ordinance No. 57-2013)*
17. **Recording of Final Plat:** Once a Final Plat has been approved by Council, the original tracing shall be returned to the developer/subdivider for any and all modifications. Once complete, the original tracing shall be forwarded to the Director of Development for processing. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. Once the Final Plat has been properly signed by the appropriate officials, the applicant can file the Final Plat with the Franklin County Recorder, which shall process the Final Plat prior to its recording. Once processed by the Map Office, the Final Plat will be forwarded to the County Recorder's Office. Once recorded, the original tracing of the Final Plat shall be filed with the City Engineer. the original tracing of the Final Plat shall be filed with the City Engineer. *(Amended 3/16/11 per Ordinance No. 96-2010)*
18. **Expedited Subdivision Procedure:** In cases where the proposed subdivision includes less than 10 lots and can be developed in one phase, the application does not warrant the full submittal procedure as

determined by the Director of Development and the applicant may combine the Final Development Plan, as outlined in Section 4.07 G2 and in the Final Plat procedures. In doing so the same procedural steps will occur, however, a single set of documents will be submitted as directed by the Director of Development. The timeframe for review and approval of a Major Subdivision under this procedure shall be consistent with the general timeframe as provided in Section 4.07 H.

F. **Final Plat Amendment:** Upon the application of an owner(s) of land described in a plat within the corporation limits of the City of Upper Arlington, the City Council may amend 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 change that does not substantially alter the final plat including but not limited to changes in lot and block numbers, setback lines, or subdivision names. The vacation or alteration of any street, road highway, alley, park, or easement by the City is not a plat amendment subject to the requirements of this section. *(Per Ordinance No. 57-2013)*
2. **Filing Requirements:** The applicant(s) shall file with the Director of Development, at least 20 working days before the BZAP meeting, a final plat amendment which meets the requirements of 4.05 H, and other City Ordinances as applicable, together with an application for approval thereof and a fee for the review of said plat amendment.
3. **Procedure:** The procedure for a final plat amendment shall be, as follows:
  - a. The applicant(s) shall file with the Director of Development an application including required submittals, which sets forth the location and description of the proposed plat amendment and the reason(s) why the amendment of the plat is sought. A copy of the application shall be filed along with the required sets of amended plat drawings proposed by the applicant(s).
  - b. The applicant(s) shall provide proof of notification upon filing as required below. Proper notification requires that the applicant(s) shall send a copy of the application to all other landowners within the plat to be amended. The certified mail certificates shall be presented to the Director of Development with all other submittal requirements.
  - c. The City shall give 30 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 BZAP meeting

hearing(s) on the application and the date(s) City Council will consider the application.

4. **Letter of Adequacy, Service Director:** Within five days after the final plat amendment application has been filed with the Planning Officer, a copy thereof shall be transmitted to the Technical Review Committee (TRC), who will check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said final plat amendment does so conform, the TRC, within 10 days working days after said plat has been transmitted to him/her, will return said plat to the Director of Development, together with a report verifying adequacy of the proposed amendment. The Director of Development shall thereupon transmit the report to BZAP for its consideration.
  5. **BZAP Review:** At the first meeting of BZAP after a copy of the final plat amendment application, together with the report, has been received by BZAP, it shall consider the final plat amendment and forward its recommendation to City Council. If BZAP recommends disapproval of the final plat amendment, it shall enter in its minutes the reason(s) for such disapproval.
  6. **City Council Acceptance of Plat Amendment:** BZAP's recommendation and the plat shall be transmitted to the City Council, together with all certificates and endorsements herein required. The Council shall take action regarding the plat amendment request at its next regular meeting after the plat amendment has been reviewed by BZAP. If the plat amendment is approved by City Council, the applicant(s) shall follow all final plat filing requirements.
- G. Vacation of Streets, Alleys, and Easements:** City Council may, by ordinance, vacate any street, road, highway, alley or easement upon finding that there is good cause for such vacation. Any such vacation shall first be reviewed by the Community and Economic Development Department, in order to make a recommendation to City Council. Notice of the intention of Council to vacate any street, road, highway, alley, or easement shall be published once in a newspaper of general circulation in the City at least 21 days—preceding such and shall be sent via certified mail, at least 10 days preceding such action, to all property owners abutting or within 100 feet of the street, road, highway, alley or easement to be vacated. The notification shall include a description of the street, alley, or easement to be vacated and the date scheduled for Council to consider the matter. For vacation of any easement, letters of approval from all pertinent utility companies are required. Any application to vacate any street, road, highway, alley, or easement shall be in compliance with UACO 223.12 and 933.22 and be accompanied by a fee and the notification costs. *(Per Ordinance 8-2012)*

- H. **Encroachments into Easements:** Upon proper application by the property owner and the payment of the required fee, the City Manager or his/her designee may approve existing or proposed easement encroachments without City Council approval provided that the following conditions are met:
1. The property owner executes a Hold Harmless Agreement in favor of the City;
  2. The property owner obtains letters of approval from all utilities indicating there is no objection;
  3. The Development Department reviews and recommends of Approval to the City Manager;
  4. All existing and proposed structures meet all other UDO zoning/building requirements.
- I. **Historic Demolition Procedures:** The following section outlines the procedure by which the Development Director and the Board shall review proposed Historic Demolitions.
1. **Historic Demolition Review:** Upon the filing of a building or demolition permit for a Contributing Structure, the Development Director or designee shall within five (5) business days determine whether the proposed work constitutes a Historic Demolition. In conducting its review concerning whether the permit qualifies as a Historic Demolition as discussed in this section, the Development Director or designee may utilize the United States Department of the Interior's Standards for the Rehabilitation and Guidelines for Rehabilitation of Historic Buildings and the Preservation Briefs of the United States Department of the Interior. The Development Director or designee also may adopt specially written guidelines that pertain to the specific architectural styles and character common to neighborhoods within Upper Arlington. The Development Director or designee also may within 5 business days determine whether Unusual and Compelling Circumstances justify a finding that the project is exempt from the regulations set forth under UDO Section 4.06(l)(3). If the Development Director or designee determines that the demolition is not a Historic Demolition, the applicant may proceed with the building and/or demolition permit process pursuant to Section 1305 of the Upper Arlington Building Code. If the Development Director or designee determines that the building or demolition is a Historic Demolition, the applicant shall be notified of the requirements of this Ordinance.
  2. **Effect of Designation of Historic Demolition:** An applicant proposing actions constituting a Historic Demolition shall not be issued a historic demolition permit covering the property at issue prior to (i) satisfying the requirements set forth in UDO Section 4.06(l)(3) below; or (ii) the issuance of a Certificate of Economic Hardship or (iii) a finding of Unusual and Compelling Circumstances by the Development Director.

3. **Historic Demolition Procedure:** Unless a Certificate of Economic Hardship is issued or a finding of Unusual and Compelling Circumstance, an applicant proposing a Historic Demolition may only proceed with the proposed plans for the property by following the procedure described in this section.
- a. After complying with the requirements of Subsection (b) below, the applicant shall request a final review by the Board of compliance with the requirements of this section.
  - b. The requirements for final review approval are the following:
    - i. Stabilizing and securing the structure to prevent deterioration.
    - ii. Cooperate with reasonable requests by preservationists to understand the significance of the property and its neighborhood. This may include reviewing any plans or studies as to available preservation options.
    - iii. Cooperate with preservationists to permit the documenting of the property including any reasonable requests to photograph the exterior and interior of the property.
    - iv. Meeting with the Board during a work session within sixty (60) days of the application proposing a Historic Demolition to review actions taken to address subsections i.-iii. above for the purposes of exploring alternatives to the proposed demolition.
  - c. Unless the Board and the applicant agree to postpone the final review, the Board shall conduct its final review and issue a decision during the earliest meeting occurring thirty (30) days after the applicant requests final review and has complied with the notice requirements outlined in Section (d) below.
  - d. Written notice of the final review hearing shall be provided by the applicant to all owners of property within 300 feet of the subject site. The applicant shall provide to the Director of Development a list (such as those available from the Franklin County Auditor's current tax list) of the owners of property within 300 feet of the site at issue in the application. At least twenty (20) days before the date of the hearing, the applicant shall send notice of the hearing, by certified mail, to all addresses on that list and to such other addresses reasonably requested by staff. The notice shall include a description of the applicant's proposed changes to the property as well as an outline of the City's Historic Demolition requirements.
  - e. If the Board determines during its final review that the applicant has satisfied each of the requirements outlined in UDO Section 4.06(l)(3)(b) above, the Board shall approve a Historic Demolition permit and return the application and appended materials to the Development Department with the instructions that the Historic Demolition Permit may be issued. The Historic Demolition permit shall not be issued until at least 180 days after the applicant initially submitted the demolition application. If the Board determines that

the applicant has not satisfied each of the requirements, the demolition permit shall not be issued until such time as the applicant can provide the Board additional evidence of compliance with UDO Section 4.06(l)(3)(b). If the applicant has not provided the Board with additional evidence of compliance within 90 days, the application shall be considered denied for failure to meet the requirements of the UDO.

- f. If a Historic Demolition permit is approved for a Historic Demolition, any alterations to Contributing Structures that require a building permit and new construction that replaces such structures must first complete design review with the Board in accordance with the requirements of UDO Sections 7.17 and 7.18.
4. **Certificate of Economic Hardship Procedure:** Applicants who propose actions constituting a Historic Demolition may apply to the Board for a Certificate of Economic Hardship. An application for a Certificate of Economic Hardship shall be submitted to the Department of Development on a prescribed form authorized by the Board.
- a. The Board will review an application for a Certificate of Economic Hardship during the first Board meeting that occurs at least twenty-one (21) days after the application is filed and ten (10) days after an applicant sends notice of the hearing as provided below.
  - b. Written notice of the public hearing shall be provided by the applicant to all owners of property within 300 feet of the subject site. The applicant shall provide to the Director of Development a list (such as those available from the Franklin County Auditor's current tax list) of the owners of property within 300 feet of the site at issue in the application. At least ten (10) days before the date of the hearing, the applicant shall send notice of the hearing, by certified mail, to all addresses on that list and to such other addresses reasonably requested by staff. The notice shall include a description of the applicant's proposed changes to the property as well as an outline of the City's Economic Hardship requirements.
  - c. In granting approval or denial of a Certificate of Economic Hardship, the Board shall prepare written findings of fact pursuant to the standards set forth in Article 4.05 (R). If the Certificate of Economic Hardship is approved, the Board shall return the application and appended materials to the Development Department with the instructions that the demolition permit may be issued. If denied, the Board shall return the application and appended materials to the Development Department who shall send to the applicant a notice of the denial that includes the reasons for that denial. Failure of the Board to approve or deny a complete application within ninety (90) days of its receipt by the City shall be considered to constitute approval of the Certificate of Economic Hardship, unless the Board and the applicant agree to postpone the hearing for good cause.

- d. If the hearing is postponed, the Board shall return the application to the Development Department staff, who will accept additional information from the applicant prior to the next meeting for the purpose of making a determination of Economic Hardship.
  - e. If a Certificate of Economic Hardship is approved for a Historic Demolition, any alterations to Contributing Structures that require a building permit and new construction that replaces such structures must first complete design review with the Board in accordance with the requirements of Sections 7.17 and 7.18.
  - f. If the Certificate of Economic Hardship is denied for a Historic Demolition, the applicant may file a separate application for a Historic Demolition permit pursuant to Section 4.06(l)(3). However, the full 180 day period shall apply without any credit for time spent during the Economic Hardship process unless the two applications were filed simultaneously.
5. **Duration:** A Certificate of Economic Hardship or the approval of a Historic Demolition Permit shall be valid for a period not to exceed six (6) months from the date of final approval by the Board. The Board, for good cause and upon written request from the applicant, may extend this period, but at no time shall the total period exceed two (2) years.
6. **Appeals:** The Development Department's decision whether a proposed project constitutes a Historic Demolition may be appealed to the Board within ten (10) days. The Board's decision on appeal whether a proposed demolition constitutes a Historic Demolition may be appealed to City Council within twenty-one (21) days. The Board's decision whether the applicant has or has not satisfied each of the requirements outlined in UDO Section 4.06(l)(3)(b) may be appealed to City Council within twenty-one (21) days. The Board's decision to grant or deny a Certificate of Economic Hardship may be appealed to City Council within twenty-one (21) days.
- J. **Dedications of Easements and Right-of-Way:** City Council may, by ordinance, accept the dedication of any easement or right-of-way upon finding that there is good cause for such dedication. Any such dedication shall first be reviewed by the Community and Economic Development Department, Engineering Division, and the City Attorney's Office, in order to make a recommendation to City Council. *(Per Ordinance 8-2012)(Per Ordinance 36-2014)*

**§4.07 Development Approvals: Submittal Requirements**

- A. **General:** The following general requirements shall apply:
1. Each development approval shall include an application provided by the Director of Development with the submittal.
  2. Only complete applications shall be processed by the City. Determination as to completeness shall be made by the Director of Development.
  3. The Director of Development may request additional supporting information that in his/her professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
  4. The full application fee shall be presented to the City with the application.
- B. **Accessory Use – Major:** The submittal for approval of a Major Accessory Use shall include an application form for an Accessory Use – Major/Certificate of Zoning Compliance, a Major Site Plan, related materials, and fee. The application shall include at a minimum:
1. Name and address of the current property owner;
  2. Address and zoning classification of the subject property;
  3. Description of the existing and proposed use;
  3. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  5. A list of the surrounding uses and zoning classification(s).
- C. **Accessory Use – Minor:** The submittal for approval of a Minor Accessory Use shall include an application form for an Accessory Use – Minor/Certificate of Zoning Compliance, a Minor Site Plan, related materials, and fee. The application shall include at a minimum:
1. Name and address of the current property owner;
  2. Address and zoning classification of the subject property;
  3. Description of the existing and proposed use;
  4. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  5. A list of the surrounding uses and zoning classification(s).
- D. **Certificate of Zoning Compliance:** The submittal for a Certificate of Zoning Compliance shall include an application and the appropriate Site Plan (Major or Minor as applicable). The application shall include at a minimum:

1. Name and address of the current property owner;
  2. Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
  3. Address and zoning classification of the subject property;
  4. Description of the existing and proposed use;
  5. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  6. A list of the surrounding uses and zoning classification(s).
- E. **Change in Use:** The submittal for approval of a Change in Use shall include an application form for a Change in Use with related materials and fee. The application shall include at a minimum:
1. Name and address of the current property owner;
  2. Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
  3. Address and zoning classification of the subject property;
  4. Description of the existing and proposed use;
  5. Extent of any proposed interior or exterior building alterations that may be required as a result of the change in use; and
  6. A list of the surrounding uses and zoning classification(s).
- F. **Conditional Use:** The submittal for approval of a Conditional Use shall include an application form for a Conditional Use with related materials and fee, unless included within a development plan or site plan application. The application shall include at a minimum: *(Per Ordinance 8-2012)*
1. Name and address of the current property owner;
  2. Name of applicant. If the applicant is not the owner then written consent from the owner should be submitted;
  3. Address and zoning classification of the subject property;
  4. A site plan and other drawings to scale, showing the existing and proposed use of the site, all pertinent natural and man-made features, and adjacent development character and buildings;
  5. A statement of need for the proposed use, its location and a report identifying the effects of the proposed use on the surrounding properties and the neighborhood; and,
  6. 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.
- G. **Development Plan:** The following outlines the submittal requirements for Preliminary and Final Development Plan. Relative to the approval process, each Preliminary and Final Development Plan must be approved through the same process.

1. **Preliminary Development Plan:** Application for a Preliminary Development Plan shall be provided at the time of submittal. The Preliminary Development Plan shall be comprised of the following information:
  - a. 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;
  - b. An existing conditions plan at a scale not less than one inch equals 50 feet indicating existing topography, property boundaries, trees, structures, pavements, utilities, and the location of existing directly adjacent properties and their structures;
  - c. Proposed site plan at not less than one inch equals 100 feet 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;
  - d. Conceptual architectural design and landscape planting;
  - e. 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 40 feet; and
  - f. Engineering feasibility comments, report or study from a civil engineer for water, sanitary sewer and storm water utilities.
  
2. **Final Development Plan:** Application for a Final Development Plan shall be provided at the time of submittal. In addition to the Preliminary Development Plan requirements outlined in Section 4.07 G1 above, the Final Development Plan shall include the following:
  - a. Boundaries of the tract and legal description;
  - b. Locations of buildings, streets, drives and parking areas. Locations and dimensions of rights-of-way, easements and all land to be dedicated to the City or reserved for specific uses;
  - c. Proposed building floor plans at one-eighth inch equals one foot;
  - d. Proposed building elevations at one-eighth inch equals one foot;
  - e. Proposed exterior material schedule which identifies all exterior and site structure materials and color;

- f. Illustration of general architectural concepts, such as perspective renderings and building/site cross-sections, which may be needed to explain concepts, if applicable or requested;
  - g. Location of existing trees or tree masses that will remain. Location of all individual trees on the site plan with diameters/calipers six inches or greater;
  - h. Location of public utility services, including storm drainage;
  - i. Indicate whether streets and utilities are to be publicly or privately owned and maintained;
  - j. The location and dimensions of rights-of-way, easements and all lands to be dedicated to the City or reserved for specific uses;
  - k. Location of proposed construction limits and areas to remain undisturbed;
  - l. Proposed landscape plan prepared by a registered landscape architect, as defined by 6.08, D integrated with a grading plan, at one inch equals 20 feet scale indicating existing trees to be saved, new plantings, and a schedule of plant material showing proposed sizes and quantities;
  - m. Location, dimensions, (including height, square feet and language) and elevations of all signs;
  - n. Exterior lighting plan and specifications including cut-off angle, distribution plan, intensity in footcandle value within the light distribution area produced by the fixture(s) proposed, and the relationship values of these foot-candle levels at all property lines;
  - o. 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 40 feet;
  - p. Grading plan including storm drainage by a licensed civil engineer;
  - q. Engineering plans for sanitary sewer, storm sewer and pavements by a licensed civil engineer;
  - r. A plat of the proposed development area showing street right-of-way, subdivided and common land and easements in accordance with the requirements of the UDO which shall be in form for recording; and
  - s. A text describing the character of the proposed development and includes standards that are supplemental to, and supportive of, the development standards contained within in this Ordinance.
3. **Effect of Approval:** The Final Development Plan or amendment thereto, as approved by BZAP, shall constitute an administrative act as it applies to the land included in the approved amendment. Detailed

Site Plan approval is assured based on good faith compliance with the approved Development Plan. The approval of a Final Development Plan or amendment thereto shall be for a period of two years to allow for the submission of a Zoning Compliance. Unless the required Zoning

Compliance is properly submitted and approved within the two-year period, the approval shall be voided and a new Final Development Plan shall be required, unless an application for time extension is submitted and approved.

H. **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 Department of Development. 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.
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.
7. **Property Offered for Dedication:** The accurate outline of all property which 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.
15. **Bond or Certificate to Ensure Street Construction**
16. **Park & Playground Fee:** The proprietor of each new subdivision in the City, as a prerequisite to the approval of the final plat thereof on behalf of the City, shall pay a Park and Playground Fee into the General Fund

of said City, said fee shall be computed in accordance with the provisions of Section 1.10 for each category listed below which is applicable to the new subdivision:

- a. For each lot shown on said plat which is intended for single-family residence use.
  - b. For each lot intended for multi-dwelling use, the fee specified in Section 1.10 shall be paid for each dwelling unit permitted to be constructed thereon under applicable regulations of the Zoning Ordinance.
  - c. For each lot or parcel intended for commercial, office or other business use.
  - d. In lieu of payment of the above Park and Playground Fee, the City Council on recommendation of BZAP may accept the dedication for public park and playground use of open spaces constituting a reasonable proportion of the gross acreage of the subdivision, suitably located and of adequate size, provided, however, that in no event shall the aggregate value of such dedicated land be less than the equivalent Park and Playground fee otherwise payable and computed in accordance with Section 1.10.
- I. **Floodplain Permit:** Application for a Floodplain Permit shall be made on forms, furnished by the Department of Development and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions and elevations of the area in question; and existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. A Floodplain Permit shall be provided at the time of submittal. The following information is required:
1. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
  2. Elevation in relation to mean sea level to which any proposed structure will be flood proofed in accordance with Section 6.05 where base flood elevation data are utilized; and
  3. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- J. **Landscape Plan - Major:** A Major Landscape Plan prepared by a landscape architect shall be submitted to the Director of Development to coordinate review by City departments. Proposed landscape treatment shall be indicated on the Major Landscape Plan and shall not be shown on any separately required Major Site Plan. Landscape plans shall be submitted with Major Site Plans and Development Plans as required in Section 4.07 O and 4.07 G.

Each landscape plan shall be drawn to scale, show the placement of individual plants and include the following information:

1. Project name and address;
2. Project owner's name, address and telephone number;
3. Name, address and telephone number of landscape architect;
4. Distance from the property to nearest intersecting street;
5. Signature panel for the Director of Development;
6. North arrow, scale (1"=20' preferred, no scale smaller than 1"=40'), date and/or date of revisions;
7. 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";
8. 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;
9. Existing and proposed buildings and accessory structures to include existing and proposed signs;
10. Zoning District boundaries and zoning designations of the site and adjacent properties;
11. Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
12. All sight triangles;
13. Location, width and names of all existing/proposed streets and watercourses;
14. All easements (provide dimensions and purpose);
15. Location of all existing and proposed utilities, both overhead and underground;
16. Principal buildings, streets (public and private), right-of-way lines and property lines;
17. Location and type of trash disposal and details of screening;
18. 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;
19. Location of all ground mounted heating, ventilating and cooling equipment;
20. Location of all transformers;
21. 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;

22. Dimensions and distances of landscape strips as required in Section 6.07;
23. Landscape notes indicating the following:
  - a. 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
24. Grading plan, including mounding, and topographical lines at one-foot intervals.

K. **Landscape Plan - Minor:** A Minor Landscape Plan prepared by a landscape architect shall be submitted to the Director of Development to coordinate review by City departments. Proposed landscape treatment shall be indicated on the minor landscape plan and shall not be shown on any separately required minor site plan. Landscape plans shall be submitted with minor site plans as required in Section 4.07 P. Each landscape plan shall be drawn to scale, show the placement of individual plants and include the following information:

1. Project name and address;
2. Project owner's name, address and telephone number;
3. Name, address and telephone number of landscape architect;
4. 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;
5. Existing and proposed buildings and accessory structures to include existing and proposed signs;
6. Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
7. All site triangles;
8. Location of all existing and proposed utilities, both overhead and underground, and easements;
9. Principal buildings, streets (public and private), right-of-way lines and property lines;
10. Location and type of trash disposal and details of screening;
11. Location, height, type and material of all fences, walls, screen planting and landscaping of all buildings and grounds;
12. Location of all ground mounted heating, ventilating and cooling equipment and location of all transformers; and
13. Square footage measurements for the total site, building, parking and hard surface areas, and landscape areas.

L. **Landscape Plan - Alternative:** Under certain conditions, the strict application of the regulations contained within this Section may be impractical. In order to accommodate modifications to existing landscaping requirements, an

Alternative Landscape Plan may be submitted to the Director of Development. An Alternate Landscape Plan may be submitted as part of an overall site plan in accordance with Section 4.07 O. The Alternative Landscape Plan shall be provided at the time of submittal. Requests for Alternative Landscape Plans will be accepted for review only when one or more of the following conditions apply:

1. The site involves space limitations or is an unusually shaped lot;
2. Topography, soil, vegetation, or other physical conditions of the lot are such that full compliance is impossible or impractical;
3. Public safety considerations are involved; and
4. Impact on the environmental quality of the lot and surrounding area will be improved with the proposed Alternative Landscape Plan.

Said Alternative Landscape Plan and justification statement shall be forwarded to the Director of Development for a recommendation on the proposal.

M. **Lighting Plan:** A Lighting Plan shall be provided at the time of submittal. The plan shall be submitted along with other required site information to the Director of Development to coordinate review by City departments.

1. Scaled building plans, site plans and elevations shall be submitted showing property boundaries, building location(s), parking lot layout, driveways, pedestrian pathways, all building entrances, adjacent rights-of-way, north arrow, scale, address or legal description, and locations of all luminaires, controls, and electrical transformers;
2. Cut sheets (profiles) shall be submitted for all proposed exterior luminaires and poles;
3. Scaled isofootcandle plots and/or point-by-point footcandle layouts shall be submitted demonstrating compliance; and
4. During the design and/or construction process after Department of Development approval, changes shall be reviewed for re-approval prior to final acceptance.

N. **Graphics Plan:** A sign plan shall be provided at the time of submittal as may be required to assure compliance with the UDO, including:

1. Name and address of the owner of the sign;
2. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
3. Clear and legible drawings showing the location of the sign(s) that is subject to the permit including the sign's location with respect to existing right-of-way and property lines and all other existing signs whose construction requires permits, when such signs are on the same premises; and

4. Drawings showing the dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment.
- O. **Site Plan – Major:** An application form shall be completed by the developer/subdivider and submitted with the Major Site Plan. The application form shall be provided by the Department of Development. Submittal requirements for a Major Site Plan includes the following:
1. Name and address of current property owner;
  2. An accurate legal description prepared by, or certified by, a registered surveyor of the state;
  3. A property location map showing existing property lines, easements, utilities, and street rights-of-way;
  4. A site plan, prepared by a civil engineer, landscape architect, or architect drawn at a suitable scale not to exceed one inch equals 100 feet indicating use, location, and height of existing and proposed buildings and structures, including accessory buildings, structures and uses, along with notation of the development standards for building spacing, setback from property lines, and maximum building heights. The site plan should also show the location and configuration of off-street parking and loading areas, 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;
  5. Topographic maps available from the Franklin County Auditor's Office with sufficient elevations to show existing and generally proposed grading contours, major vegetation features, wooded areas and existing trees over six inches in diameter measured at the average breast height;
  6. Proposed landscaping plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping, screening elements and existing trees to be removed;
  7. Elevation drawings of proposed structures, floor plans, exterior construction materials, by type and color;
  8. Proposed sign plans indicating the location, size, and illumination of wall signs, ground mounted signs, and directional signs. Elevation drawings of ground mounted signs and wall signs shall also be included;
  9. Proposed lighting plans including exterior building, parking lot, and site lighting. Sample cut sheets indicating pole and luminaire height as well intensity of illumination in footcandles on a point-by-point isofootcandle map shall also be provided;
  10. Summary table showing total acres of the proposed development; number of acres devoted to each type of residential and/or non-residential use including streets (right-of-way) and open space; number of dwelling units by type; total building square footage; and overall density (units per acre) and intensity (lot coverage);

11. Proposed grading and stormwater management plan;
  12. Landscape plan indicating location of existing plants; proposed plantings, including planting height and caliper of proposed trees measured at the average breast height; and
  13. Other information necessary for the evaluation of existing site conditions and proposed development as deemed necessary by the Director of Development and/or BZAP.
- P. **Site Plan – Minor:** The Minor Site Plan shall be provided at the time of submittal. An application form shall be completed by the developer/subdivider and submitted with the Minor Site Plan. The application form shall be provided by the Department of Development. Submittal requirements for a Minor Site Plan include 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 on site with general sketch floor plans and building elevations;
  3. Building height;
  4. List of property owners and labeling of adjacent property owners;
  5. Square footage of existing and proposed buildings;
  6. Zoning of property and existing use on site, including adjacent use and zoning;
  7. Preliminary grading plan, stormwater plan and landscape plan;
  8. Street and parking lot layout, including street rights-of-way, drive aisles, parking spaces, and sidewalk location; and
  9. Preliminary water and sewer plan.
- Q. **Subdivision – Major:** An application form shall be completed by the developer/subdivider and submitted with the Major Subdivision. The application form shall be provided by the Department of Development. The following information shall be provided upon submittal of an application for a Major Subdivision:
1. **Major Subdivision - Preliminary Plan Application and Base Information:** An application form shall be completed by the developer/subdivider and submitted with the Preliminary Plan and required supplemental information. The Preliminary Plan and base information shall be provided at the time of submittal. The application form shall be provided by the Department of Development. The required fees shall also be paid at the time of application submittal. The Director of Development shall certify the receipt of a complete application package meeting the requirements of the UDO prior to scheduling the application on BZAP agenda. The Preliminary Plan shall be drawn on 24-inch by 36-inch sheets to a scale of not less than one inch equals 200 feet. When more than one sheet is required, an

index shall be incorporated into the title block. The Director of Development may approve the consolidation of the submittal requirements provided the intent of this Section is met. The Preliminary Plan 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 300 feet or as specified by the Director of Development;
  - c. Vicinity map (section and range);
  - d. The ownership, acreage and boundaries of all adjacent properties within 300 feet of the subdivision or as specified by the Director of Development. 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 Plan", sheet title, proposed subdivision name, developer and preparer, scale of the plan, 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 intervals for slopes under 10 percent and at 10-foot intervals for slopes 10 percent or greater. Contour lines shall be indicated 50 feet beyond the subdivision boundary.
2. **Preliminary Plan – Existing Conditions:** The Existing Conditions Map and text shall indicate the subdivision and all property within 200 feet of the subdivision or as specified by the Director of Development, 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. Master Plan recommendations for the subject site and applicable zoning districts and standards;
3. **Preliminary Plan – 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. **Preliminary Plan – 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. **Preliminary Plan – 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. **Preliminary Plan – 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 Plan.
7. **Construction Documents:** The Final Plat shall include a set of construction drawings and specifications of improvements. This shall be a set of construction plans prepared by a registered professional engineer that shall include typical sections, plan and profile views, construction details, and estimates of quantities. A set of construction drawings and specifications for all improvements shall be provided to the City Engineer per the Streets and Services Code.
8. **Security for Construction:** In lieu of constructing improvements, the subdivider may apply for final plat approval by insuring completion of the required improvements by one of the following methods and review and approval by the City Attorney, The City Engineer and the Finance Director:
  - a. A surety performance bond running to the City sufficient to cover the full cost of said improvements as estimated by the officials having jurisdiction, to assure the satisfactory installation of said improvements in accordance with its regulations.
  - b. The subdivider may deposit in a bank in Franklin County, Ohio, the sum not less than the total estimated improvement cost, to be held in escrow to guarantee the satisfactory completion of said improvements within the required time, the form of said escrow agreement to be subject to the approval of the Director of Development and the City Attorney and which agreement may provide for the making of payments from such funds from time to time upon certificates of the City Engineer that the balance remaining after such payments will, in his opinion, be adequate to pay the remaining costs of said improvements.
  - c. The subdivider may deposit with the Director of Development a cashiers check or irrevocable letter of credit in the amount of the

total estimated improvement cost to be held in escrow until the satisfactory completion of construction, unless a default in the completion of said improvements occurs, in which event the check may be cashed by the Director of Development and the proceeds thereof used to complete the improvements, to pay claims connected therewith for which the subdivider may be liable, or to cure any other default of the subdivider connected with the making of said improvements.

9. **Construction of Buildings:** Construction of buildings shall not be permitted until all improvements are completed and accepted by the City.

R. **Regulation Concerning Improvements Required in Subdivisions:**

1. **Required Minimum Improvements:** Minimum improvements shall be installed: (a) in the case of subdivisions within the City, in accordance with the requirements of this Ordinance; and (b) in the case of subdivisions outside the corporate limits within three miles of the City, in accordance with rules and regulations adopted by the Board of County Commissioners, provided such county rules and regulations are equally or more restrictive than the requirements of this chapter. In the event that the applicable county requirements are less restrictive, the provisions of this Section shall govern.
2. **Time for Construction of Improvements:** All required improvements shall be constructed within two years of the acceptance of the final plat by the City Council.
3. **Street Construction:** Streets shall be graded to full width of the right-of-way and fully constructed with all-weather macadam or concrete pavements surfaced with asphaltic or Portland cement concrete wearing surfaces, concrete curbs and gutters with tile underdrain and porous backfill and proper storm drains and inlets. Streets constructed within this City shall be in conformity with the plans and specifications for street construction adopted by Council, duplicates of which shall be kept on file in the office of the City Manager and the City Engineer. Streets constructed outside the City shall be as specified by the County Engineer.
4. **Water Supply:** Where a public water supply main is reasonably accessible, the subdivision shall be provided with a complete loop type water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants in accordance with the requirements of the City of Columbus. Where public water supply is not available within a reasonable distance, the average size of the lots shall be not less than 20,000

square feet. The entire water system shall be designed to meet the approval of the officials having jurisdiction.

5. **Storm Drainage:** Every subdivision shall be provided with a storm water sewer or drainage system adequate to serve the area being platted and otherwise meeting the requirements of Section 6.04.
6. **Sewerage:** Where a public sanitary sewer main is reasonably accessible, in the opinion of BZAP, the subdivision shall be provided with a complete sanitary sewer connected with such sewer main, including a lateral connection for each lot.
7. **Electric and Telephone Lines:** Where it is necessary to locate electric or telephone lines in the street right-of-way, they shall be not less than nine feet six inches back of curb.
8. **Street Signs:** The City will erect the necessary street signs. The subdivider shall reimburse the City for the cost thereof.
9. **Construction Plans:** Construction plans, including the following, for improvements shall be furnished in accordance with the specifications of the City Engineer and shall receive approval of the City Engineer and the Fire Division before improvements are installed, and before approval of the final plat:
  - 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 drainage plan showing 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. The drainage plan shall show the method to be used for the adequate disposal of all storm water, including drainage outlets, and such other data as may be required by the City Engineer and Section 6.04
10. **Inspection:** Prior to the start of any work covered by the above plans, after approval thereof, arrangements shall have been made to provide

for inspection of the work sufficient, in the opinion of the City Engineer, to insure compliance with the plans and specifications as approved.

11. **Completion of Construction:** The construction of all improvements required by these rules and regulations must be completed within two years from the date of approval of the final plat by City Council, unless good cause can be shown for the granting of an extension of time by authority of BZAP and City Council.
  12. **Maintenance After Approval:** For a period of one year from the date the constructed improvements were approved by the City Engineer the subdivider shall make such repairs or replacements as may be required by reason of defective workmanship or material.
- S. **Subdivision – Minor:** A Minor Subdivision application shall be provided at the time of submittal. An application form shall be completed by the developer/subdivider and submitted with the Minor Subdivision. The application form shall be provided by the Department of Development. In order to be complete and to be accepted for review and processing, all Minor Subdivision (lot split) proposals must be legible and include or comply with the following:
1. Name, address, telephone number, fax number and e-mail address of existing property owner;
  2. Name, address, telephone number, fax number and e-mail address of surveyor or preparer of the submittal if different from the property owner;
  3. Location and size of existing and proposed parcels, including date of creation of existing parcel to be split;
  4. North arrow and bar scale;
  5. Location information including: location map; adjacent or frontage roads; adjacent parcel ownership; proposed easements of access; etc.;
  6. Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries;
  7. 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;
  8. Site drainage and 100-year floodplain (floodway and floodway fringe, elevation and boundaries);
  9. Steep slopes, ravines, drainage swales, and all other natural features;
  10. All other natural and built features or conditions that in the determination of the Director of Development are directly relevant to the ability of the proposed lot(s) to be buildable per these regulations. Existing topography at two-foot intervals for slopes under 10 percent

and 10-foot intervals for slopes 10 percent 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;

11. Any and all proposed easements, reserves or no build zones; and
  12. A filing fee shall be charged and must be paid at the time that the final survey is filed with the Department of Development.
- T. **Temporary Use:** A Temporary Use application shall be provided at the time of submittal. An application for a temporary use shall be filed with the Director of Development on a form prescribed by the Director, along with the fee for such permit and the following information:
1. A sketch plan showing the boundaries of the property;
  2. The use of adjacent properties identified and labeled;
  3. The location of the temporary use or structure on the property.
- U. **Certificate of Economic Hardship:** An applicant that reasonably believes that delaying a Historic Demolition of a Contributing Structure by 180 days would cause economic hardship may submit an application for a Certificate of Economic Hardship. Documents that the Board may consider shall be described on the application prepared by the Development Department.

#### §4.08 Related Approvals

A. **Building Permit:**

1. **Definition:** A permit issued by the Director of Development 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 Director of Development, certifying compliance with this UDO.
2. **Permit Process:** An application for a building permit shall be filed with the Director of Development on a form prescribed by the Director, along with the fees and charges for building permits and inspections. 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 Director of Development. The Director of Development 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 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 Director of Development has issued an occupancy permit stating that the building and/or the proposed use complies with the provisions of this Ordinance. An occupancy permit shall be required for the purpose of maintaining, renewing, changing, or extending a nonconforming use.
2. **Permit Process:** In issuing an occupancy permit the Director of Development shall follow the requirements set forth in Section 4.06 B.

**§4.09 Variances**

- A. **Definition:** A variance may be granted allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by the zoning and subdivision provisions of the UDO where practical difficulties unique to the property in question prevent full compliance with such provisions. A variance may also be granted allowing a deviation from the permitted use provisions in the UDO in cases where limiting the use of a property in question to those permitted in the UDO would constitute an undue hardship resulting in denial of any economically viable use of the property.
- B. **Variance Process:** Authority to consider variance(s) from the terms of this UDO is granted to the Board of Zoning and Planning. The Board may authorize, in specific cases, such variance from the terms of this UDO as will not be contrary to the public interest.
  1. **Preapplication Meeting:** The applicant may meet with the Director of Development or informal BZAP prior to submitting a variance request for consideration by BZAP. Following the conclusion of the meeting, the Director of Development shall forward to the applicant a written summary of the results of the pre-application meeting including recommendations and all attached comments
  2. **Preliminary Review by Development Director:** Upon receipt of an application, the Director of Development shall, within five working days, review the application and determine whether it provides all necessary and required information. If it is incomplete, the Director of Development 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 it is

complete, the Director of Development may forward the application to the TRC.

3. **Review by the TRC:** The TRC shall review the application after the Director of Development determines that the application is complete and forward its comments within five days to the Director of Development. The Director of Development shall forward copies of all documents filed with the Department of Development to BZAP along with any report or recommendation of the TRC.
4. **Major Variance Public Hearing and Notice by Director of Development:** Within five working days of determining that an application contains all the necessary and required information, the Director of Development shall place the application on the agenda and schedule a public hearing on the proposed variance. 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 days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed variance. Maps and plans (if applicable) shall be on file for public examination in the office of the Director of Development.
5. **Notice to Property Owners:** Written notice of the public hearing shall be provided to all owners of property within 100 feet of the subject site. The applicant shall provide a list (available from the Franklin County Auditor's current tax list) of the owners within 100 feet of the property for which the variance is requested to the Director of Development. Such notice shall be sent, by the applicant by certified mail, at least 10 days before the date of the hearing addressed to the owners appearing on the County Auditor's current tax list and to such other list or lists as verified by staff.
6. **BZAP Hearing and Recommendation:** BZAP shall review the application and recommend that the variance be granted as requested; be granted as modified by BZAP; or be denied. BZAP shall indicate the specific reasons(s) for its recommendation.

7. **Additional Conditions and Safeguards:** The BZAP 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.
- C. **Expiration of the Variance:** Variances shall expire one year from the date of enactment, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of variances except by further consideration of BZAP. 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. Extensions may be granted by BZAP if it finds that the requested extension is consistent with the purpose, policies, and intent of the Master Plan, and the specifications of the UDO. Requests for renewal of expired variances shall be considered to be the same as an application for a variance and shall meet all requirements for application and review pursuant to Section 4.09.
- D. **Standards for Approval:** The following factors shall be considered and weighed by BZAP in determining practical difficulty or hardship:
1. Whether 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 in the same zoning districts. Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures, or conditions;
  2. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  3. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  4. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  5. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
  6. Whether special conditions or circumstances exist as a result of actions of the current or a previous owner;
  7. Whether the property owner's predicament feasibly can be resolved through some method other than a variance;
  8. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or
  9. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

- E. **Submittal Requirements:** An application for a variance shall be filed on a form provided by the Director of Development, and shall be accompanied by the following requirements:
1. Name, address, and phone number of applicant(s) and property owner;
  2. Proof of ownership, legal interest or written authority;
  3. Legal Description of property or portion thereof;
  4. Description or nature of variance requested;
  5. Narrative statements establishing and substantiating the justification for the variance pursuant to Section 4.09 D;
  6. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance;
  7. Payment of the application fee as established by City Council; and
  8. Any other documents deemed necessary by the Director of Development.

#### §4.10 Appeals

- A. **Responsibility and Computation of Time:** This Section identifies the responsibility for hearing appeals and establishes the appeals process for decisions made by the Administration, BZAP, and City Council.

In computing any period of time prescribed or allowed by this section, the day of the act or order from which the designated period of time begins to run shall not be included. The last day of the period as computed shall be included, unless it is a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless otherwise specified. If the final day of the period falls on a Saturday, Sunday, or legal holiday, then the act may be performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday. *(Per Ordinance No. 82-2013)*

1. **Appeal of Administrative Action:** Any person aggrieved by any order, made by the Director of Development, or a designated representative, in the administration or enforcement of this Ordinance may appeal to BZAP. A decision to file a code enforcement citation in the Upper Arlington Mayor's Court or other court of competent jurisdiction may not be appealed to BZAP.
2. **Appeal of Board of Zoning and Planning Action:** Any person aggrieved by any order, requirement, decision, or determination made by BZAP may appeal to the City Council. The City Manager, or a designated representative; the Director of Development, or a designated representative; the Community Improvement Corporation; and any Board or Commission of the City may appeal any order, requirement, decision, or determination made by the BZAP to City

Council. City Council may not appeal any order, requirement, decision, or determination made by the BZAP unto itself.

3. **Appeal of City Council Action:** Any person aggrieved by any order, requirement, decision, or determination made by the City Council may appeal to the Court of Common Pleas of Franklin County.

B. **Appeals to BZAP:** The following outlines the appeals process and notification requirements for appeals to BZAP from an administrative decision:

1. An appeal to BZAP shall be made within ten (10) days from the date of issue of the order appealed from, by filing a notice of appeal with the Director of Development. The Director shall transmit to the BZAP all the papers constituting the record upon which the order appealed from was taken. No enforcement action of the Director of Development shall take effect until after the expiration of ten (10) days from the date of the order.
2. Upon the filing of the appeal, the Director of Development shall give notice by one publication in a newspaper of general circulation at least five days before the date of the hearing and shall give notice of the hearing to the interested parties.
3. The BZAP shall hear the application or appeal at its first meeting occurring after such required publication and notice. It shall decide the case within thirty (30) days from the date of such hearing. At the hearing, any party may appear in person or be represented by an attorney.

C. **Appeals to City Council:** The following outlines the appeals process and notification requirements for appeals from a BZAP decision to City Council:

1. No order of the BZAP shall take effect until the expiration of twenty-one (21) days from the date of the meeting at which such action is announced. An appeal to City Council shall be taken within twenty-one (21) days after the final action of the BZAP by filing a written notice of such appeal with the City Clerk and paying the filing fee and the cost of mailing the notices required in Subsection (C)3. Payment shall be due at the time of filing the notice of appeal and shall be considered jurisdictional.
2. Within five (5) working days of determining that a written notice of appeal filed with the City Clerk contains all the necessary and required information, the City Clerk shall place the written notice on the Council agenda and schedule a public hearing on the proposed appeal within sixty (60) days of the date of the filing of such appeal. 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 appeal. Maps and plans (if applicable) shall be on file for public examination in the office of the City Clerk.

3. Written notice of the public hearing shall be provided to all owners of property within 100 feet of the subject site, based on the information available from the Franklin County Auditor's website. Such notice shall be sent, by the City Clerk by certified mail, at least ten (10) days before the date of the hearing. The mailing of the notice is sufficient proof of service.
4. The applicant may request a change in the date of the public hearing by filing a written request with the City Clerk setting forth the reason for the change in date. If the request is granted, the applicant shall be responsible for the City Clerk's costs to mail a new notice of hearing as required in Subsection (C)3 and to publish a new notice of hearing as required in Subsection (C)2. Failure to pay these costs prior to the hearing shall result in dismissal with prejudice of the appeal. Any change in the date of the public hearing requires the approval of the President of Council. The decision of the President of Council shall be final.
5. A proper permit may be issued for construction before the expiration of the 21-day waiting period provided all of the following conditions exist:
  - a. Required notices have been given and not dispensed with by the BZAP.
  - b. There are no written objections filed by any person aggrieved by the decision.
  - c. There are no objections stated at the hearing of the BZAP by any person aggrieved by the decision.
  - d. No appeal to Council has been filed with the City Clerk by any person aggrieved by the decision of the BZAP prior to the issuance of the permit.
  - e. The applicant has filed a hold harmless application for the waiver of the 21 day waiting period specifically acknowledging the rights of anyone appealing the decision of the BZAP and that the applicant understands he or she proceeds at his or her peril.