

1117.07 DEVELOPMENT PLAN

(a) *Development Plan Procedure.*

- (1) A Development Plan application shall be required prior to the commencement of any construction activities for any new development, redevelopment, addition, alteration, or other improvement under the jurisdiction of this code.
- (2) A Minor Development Plan application may be administratively approved when it has been determined by staff to meet all applicable codes and meets the parameters of Chapter 1117.07. All other requests shall be processed as a Major Development Plan. After completing the staff review process, Major Development Plan applications shall be forwarded to Planning Commission for consideration.

A. *Minor Development Plan.* A Minor Development Plan may be administratively approved if it is determined the proposed development meets any of the following conditions:

1. Addition(s) or accessory building(s) where the total area is 5,000 square feet or less. Accessory buildings that are 200 square feet or less are exempt from the Development Plan process.
2. New or modified structures, meeting the definition of structure but not building such as carport, gazebo, or similar, located on a property with existing building(s) and/or structure(s).
3. Expansion of nonconforming uses less than or equal to 25 percent of the gross floor area.
4. Painting a building 25 percent or more of a new color identified in Chapter 1107, Design Guidelines.
5. New parking lots or modifications to existing parking lots including new access points or modifications to existing access points.
6. Reduction to the total minimum parking requirements of 25 percent or less based assessment of development factors in Section 1109.01(c)(4).
7. New landscaping or modifications to approved landscape plans.
8. Replacement of building materials with a new material identified in Chapter 1107, Design Guidelines.
9. New or modifications to site or building lighting.
10. Changes to building appearance, including but not limited to, doors, windows, roofs, awnings, decks, and other similar building elements.

B. *Major Development Plan.* A Major Development Plan is required if the proposed development meets any of the following conditions:

1. Construction of any new building(s).
2. Addition(s) or accessory building(s) greater than 5,000 square feet.
3. Expansion of nonconforming uses greater than 25 percent of the gross floor area.
4. New or modified structures, meeting the definition of structure but not building such as carport, gazebo, or similar, located on a property without existing building(s) and/or structure(s).
5. Painting exterior of building a new color not identified in Chapter 1107, Design Guidelines.

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6. Reduction to the total minimum parking requirements greater than 25 percent.
 7. Replacement of building materials when the new material is not identified in Chapter 1107, Design Guidelines.
 8. Any new construction or exterior modifications located within the Creekside Mixed Use (CMU) zoning district, even if they meet the provisions of a Minor Development Plan.
 9. Any development which is not expressly enumerated as a Minor Development Plan or exempt shall require a Major Development Plan.
- C. *Exemptions.* The following are exempt from Development Plan review but may require the review and approval of other permits:
1. One- or two-unit dwellings.
 2. Property within the right-of-way is not subject to the standards of this Zoning Ordinance unless expressly stated. Development within the right-of-way may require additional permitting and may be subject to other codes and requirements.
 3. Repainting of existing buildings, regardless of color, when less than 25 percent of the building.
 4. Other similar development proposals as determined by the City's Designee.
- (b) *General Requirements.* The Development Plan shall conform to all applicable requirements of this Zoning Ordinance. Additionally, the following principles and standards shall be observed:
- (1) Encourage the orderly and harmonious development of the area in a manner keeping with the overall character of the community.
 - (2) Every effort should be made to protect any adjacent residential areas from a potential nuisance created by a proposed commercial, industrial, or multi-family development.
 - (3) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features such as:
 - A. Unique and/or fragile areas including wetlands.
 - B. Significant trees or stands of trees.
 - C. Lands within the 100-year floodplain.
 - D. Steep slopes in excess of 20 percent as measured over a ten-foot interval. E. Habitats of endangered plant materials or wildlife.
 - (4) The development shall be laid out to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; and to mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.
 - (5) The City may impose additional requirements regarding design and construction of the proposed development, including but not limited to streets, curbs, gutters, and access.
 - (6) Sidewalks shall be installed for any new proposed development, or redevelopment of a property where sidewalks do not currently exist. Multi-use trail may be required in areas that are identified by the City as areas identified for regional trail systems/connections.
- (c) *Pre-application Meeting.*

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- (1) A pre-application meeting is highly encouraged, but not required, prior to submittal of the Development Plan application. A concept of the development, including conceptual site drawings, should be included as part of the pre-application meeting.
 - (2) This conceptual plan need not be full engineered drawings but should include a majority of those requirements as provided in Section 1117.07(d), and shall be presented to staff at the pre-application meeting. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with applicable development standards.
- (d) *Development Plan Submittal.* An application for development plan approval shall be made available by the City. The application shall include details on application requirements and procedural timelines.
- (e) *Development Plan Action.*
- (1) *Action by the City's Designee.*
 - A. An application for a Minor Development Plan complying with all applicable requirements and containing all information required under this Zoning Ordinance shall be reviewed by the City's Designee for action.
 - B. An application for a Minor Development Plan approval which is not in compliance with this Zoning Ordinance may be forwarded to the Planning Commission for action, as determined by the City's Designee.
 - (2) *Action by the Planning Commission.*
 - A. An application for a Major Development Plan complying with all applicable requirements and containing all information required under this Zoning Ordinance shall be forwarded to the Planning Commission for action.
 - B. An application for a Major Development Plan approval which is not in compliance with this Zoning Ordinance shall not be forwarded to the Planning Commission until the application meets all requirements or a variance has been requested.
 - C. The Planning Commission shall hold a public hearing on an application for a Major Development Plan approval within 30 days of the receipt of the application, and supporting materials.
 - D. Before approving or denying the application before it, the Planning Commission shall hold at least one public hearing on such application at which time the applicant shall present and explain the design concept of the proposed development; staff comments and administrative comments shall be made; and the Planning Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published on the City website and posted at the municipal building, in a location accessible to the public, and shall include place, time, date and nature of such applied for during the calendar week prior to the public hearing.
 1. Written notice of said hearing shall also be mailed by ordinary mail to the street addresses of contiguous property owners of the property for which said hearing is being held. The failure of delivery of such notice shall not invalidate any such application. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.
 2. Where the subject of such public hearing involves 50 or more of the property owners of the City, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required.
- (f) *Minor Development Plan Approval.*

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- (1) The City's Designee shall act on a Minor Development Plan in one of the following ways:
- A. *Approval:* The City's Designee shall approve an application for a Minor Development Plan if the following four conditions are met:
 - 1. The proposed development meets the applicable development standards of this Zoning Ordinance.
 - 2. The proposed development is in accord with appropriate plans for the area.
 - 3. The proposed development would not have undesirable effects on the surrounding area.
 - 4. The proposed development would be in keeping with the existing land use character and physical development potential of the area.
 - B. *Disapproval:* The City's Designee may disapprove an application for a Minor Development Plan for any one of the following reasons:
 - 1. The proposed development does not meet the applicable development standards of this Zoning Ordinance.
 - 2. The proposed development is not in accord with appropriate plans of the area.
 - 3. The proposed development will have undesirable effects on the surrounding area.
 - 4. The proposed development is not in keeping with the existing land use character and physical development potential of the area.
- (2) Any approval of a Minor Development Plan shall be valid for a period of 18 months. Construction activities must begin within this period or the plans shall expire.

(g) *Major Development Plan Approval.*

- (1) The Planning Commission shall hold a public hearing and act on a Major Development Plan in one of the following ways:
- A. *Approval:* The Planning Commission shall approve an application for a Major Development Plan if the following four conditions are met:
 - 1. The proposed development meets the applicable development standards of this Zoning Ordinance.
 - 2. The proposed development is in accord with appropriate plans for the area.
 - 3. The proposed development would not have undesirable effects on the surrounding area.
 - 4. The proposed development would be in keeping with the existing land use character and physical development potential of the area.
 - B. *Approval with modification:* The Planning Commission may approve, with modification, an application for a Major Development Plan if the proposed use meets the applicable development standards of the zoning district, but plan modification is required:
 - 1. To be in accord with the appropriate plans for the area; and
 - 2. To prevent undesirable effects on adjacent property and the surrounding area. Such modification may include but not be limited to a limitation on the extent or intensity of development, a requirement for additional screening by fence or landscaping, a change in the method or plan for lighting, time limits as to the length of time the use may be permitted to exist, control of access or other conditions of development as may be required to meet the applicable development standards of the zoning district.

Requirements regarding the modification of plans or other appropriate actions shall be stated with the reasons for each requirement.

- C. *Disapproval:* The Planning Commission may disapprove an application for a Major Development Plan for any one of the following reasons:
1. The proposed development does not meet the applicable development standards of this Zoning Ordinance.
 2. The proposed development is not in accord with appropriate plans of the area.
 3. The proposed development will have undesirable effects on the surrounding area.
 4. The proposed development is not in keeping with the existing land use character and physical development potential of the area.
- (2) After action by the Planning Commission on the application, the Clerk of Council shall mail to the applicant a Record of Action taken which shall contain the motion as carried by the Planning Commission to include any conditions.
- (3) Any approval of a Major Development Plan shall be valid for a period of 18 months. Construction activities must begin within this period or the plans shall expire.
- (h) *Development and Construction of Plan.*
- (1) Absolutely no site work, earth moving or tree removal activities can begin without the following:
 - A. An approved Development Plan.
 - B. An approved Site Plan including a Grading Plan, Sediment and Erosion Control Plan, and Utility Plan. This plan must be reviewed and approved by the City's Designee.
 - C. All applicable Building, Zoning, Development, and Engineering fees paid in full.
 - D. Site inspection of all sediment and erosion control measures, tree save fences, preservation zone fences, or other requirements as determined by the Planning Commission or the City's Designee.
 - E. Parkland dedication or fees in lieu are paid in full if applicable.
 - F. Street Tree Plan submitted to Landscape Board for approval if applicable.
 - (2) Failure to comply with any of the above requirements of Section 1117.07(h) will result in penalties as stated in Chapter 1117(k).
- (i) *Fees for a Development Plan.* The owner shall pay a fee at the time of submission of the Development Plan. The fee shall be as established in the Building and Zoning Fee Schedule set forth in Section 135.10 in Part One of these Codified Ordinances.
- (j) *Revision of Plan After Approval.* Any modification or revision of any kind, except for the addition of appropriate easements, shall require approval by the City's Designee or the Planning Commission. A new application shall be required and approved prior to commencement of any modification or revision.
- (k) *Penalty.*
- (1) Violation of the provisions of Section 1117.07 or failure to comply with any of its requirements shall constitute a misdemeanor of the first degree. Any person, company, or contractor who violates Section 1117.07 or fails to comply with any of its requirements shall pay all costs and expenses involved in the case, including the costs of restoring the area to its original condition prior to the violation. Each day that the violation continues can be considered a separate offense.

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- (2) Any tree in excess of six inches in caliper that is removed from a site prior to Development Plan approval shall be replaced by the identical caliper size that is removed. Multiple trees can replace larger trees that are removed so long as the minimum caliper of the replacement tree is two and one-half inches.
 - (3) Nothing herein contained shall prevent the City of Gahanna from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Gahanna shall prosecute any violation of this chapter in accordance with the penalties stated herein.

(Ord. No. 0007-2024, § 2(Exh. A), 4-1-24)