

**CHAPTER 1108**  
**Final Development Plan Procedure**

**1108.01 GENERAL REQUIREMENTS.**

If a proposed development includes land that is zoned any of the districts established in this Zoning Code other than single family residential, the developer will be required to submit a Final Development Plan for Planning Commission approval. A final development plan is also required for conditional uses in any residential district except the Olde Gahanna Downtown Single Family Districts North and South. The Final Development plan shall conform to all zoning requirements and conform to the goals and objectives established in the City's approved Land Use Plan, or other applicable studies. In addition, the following principles and standards shall be observed:

(a) Encourage the orderly and harmonious development of the area in a manner keeping with the overall character of the community.

(b) 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.

(c) 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 alterations of natural features such as:

1. Unique and/or fragile areas including wetlands
2. Significant trees or stands of trees
3. Lands within the 100 year flood plain
4. Steep slopes in excess of twenty percent (20%) as measured over a ten foot interval
5. Habitats of endangered plant materials or wildlife

(d) 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.

(e) The City Engineer, or Planning Commission may impose additional requirements regarding design and construction of the proposed development, including but not limited to streets, curbs, gutters, sidewalks and access.

(f) Proposed developments approved through Section 1152.02, Limited Overlay District, shall be required to submit a Final Development Plan that is in basic conformance with the plan submitted at the time of zoning approval.

(g) Proposed developments located in a Planned Commercial Center (PCC) Zoning District, shall follow the provisions of this chapter.

(Ord. 0147-2011. Passed 8-1-11.)

### **1108.02 PRE-APPLICATION CONFERENCE.**

(a) An owner of land desiring to develop that land should schedule a pre-application conference to discuss the concept of a proposed development with the Planning and Zoning Administrator. The developer should bring a sketch of the site plan to the conference for review and discussion. The conference shall be considered confidential between the developer and City officials.

(b) This conceptual plan need not be full engineered drawings, but should include a majority of those requirements as provided in Section 1108.03, and shall be presented to the Planning staff before a Final Development Plan is filed. The plan will facilitate discussion and understanding and could possibly serve to avoid conflicts with the development standards in the Planning and Zoning Code.

(Ord. 0122-2007. Passed 6-18-07.)

### **1108.03 FINAL DEVELOPMENT PLAN FILING.**

The owner of land who desires to develop it shall submit ten copies of the Final Development Plan with a completed application form as prescribed by the Planning and Zoning Administrator.

Upon the filing of a Final Development Plan with the Planning and Zoning Administrator, it shall be examined to determine whether or not it complies with the requirements listed in this section and then shall be referred to the City Engineering for review. If the plan does not meet requirements of the Planning and Zoning Administrator or the City Engineer, the Planning and Zoning Administrator shall return it to the owner with instructions, who shall revise and refile it.

(a) The Final Development Plan shall contain the following:

1. Scale: Minimum – one inch equals 100 feet.
2. The proposed name of the development, approximate total acreage, north arrow, and date.
3. The names of any public and/or private streets adjacent to or within the development.
4. Names and addresses of owners, developers and the surveyor who designed the plan.
5. Vicinity map showing relationship to surrounding development and its location within the community.

6. Natural features currently within proposed development, including draining channels, tree lines, bodies of water, and other significant features.
7. Current zoning district, building and parking setbacks.
8. Proposed location, size and height of building and/or structures.
9. Proposed driveway dimensions and access points.
10. Proposed parking and number of parking spaces.
11. Distance between buildings.
12. List of adjacent property owners for notification.
13. Reduced site plan suitable for showing on an overhead projector.
14. Any other information the Planning Commission may deem to be necessary to evaluate the application. These items can include such things as elevations, traffic studies, floor plans, etc.

(b) In addition to the aforementioned requirements, the developer shall submit a table of development calculations. This table shall include:

1. Parking calculations: (square footage of proposed buildings, number of spaces per square foot, number of spaces required, and actual number of spaces proposed).
2. Lot coverage calculations: (square footage of site, area of permanently impervious surfaces broken down into buildings and parking, area of uncovered land, coverage requirements, proposed lot coverage).
3. Setback calculations, (if needed)
4. Landscaping calculations: (square footage of pavement, proposed area of landscaping, square footage of landscaping, number of two-inch caliper trees required, and number of trees proposed).

(Ord. 0147-2011. Passed 8-1-11.)

#### **1108.04 ACTION BY THE PLANNING COMMISSION.**

(a) When a Final Development Plan complying with all applicable requirements of the Planning and Zoning Code contains all information required under Section 1108.03 and is accepted by the Planning and Zoning Administrator, the application for Final Development Plan approval with staff comments and administration recommendations shall be forwarded within thirty days of acceptance by the Planning and Zoning Administrator to the Planning Commission for action.

Upon forwarding the application to the Commission, the Final Development Plan and supplemental materials pertaining thereto shall be considered a matter of public record.

(b) An application for Final Development Plan approval which is not in compliance with the Planning and Zoning Code shall not be forwarded by the Planning and Zoning Administrator for consideration by the Commission until final determination has been made on all required variances under the procedures established in Chapter 1103 or 1131.

(c) The Commission shall hold a public hearing on an application for Final Development Plan approval within thirty days of the receipt of the application, staff comments and administration recommendations from the Planning and Zoning Administrator.

(d) Before approving or denying an application for Final Development Plan approval, the Commission shall hold at least one public hearing 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 Commission shall receive any comments or concerns pertaining to the proposed development from the general public. Notice of such public hearing shall be published in one or more newspapers of general circulation within the City at least seven days in advance of the public hearing and shall state the place, time, date and purpose of such hearing.

Further, the Clerk shall send notification by ordinary mail of the public hearing to the contiguous property of the area described in the Final Development Plan. The failure of delivery of such notice shall not invalidate any such Final Development Plan filing. The names and addresses of all property owners entitled to notice of the public hearing shall be furnished by the applicant.

(e) Drawings and related written material which fully describe the design concept and platting of the proposed development shall be filed by the applicant with the Planning and Zoning Administrator prior to publication of the first notice of public hearing and shall be available for review and study by the general public until the time of such public hearing.

(Ord. 0147-2011. Passed 8-1-11.)

#### **1108.05 FINAL DEVELOPMENT PLAN APPROVAL.**

(a) The Planning Commission shall hold a public hearing and act on a Final Development Plan in one of the following ways:

1. Approval. The Planning Commission shall approve an application for a Final Development Plan if the following four conditions are met:
  - A. The proposed development meets the applicable development standards of this Zoning Ordinance.
  - B. The proposed development is in accord with appropriate plans for the area.

- C. The proposed development would not have undesirable effects on the surrounding area.
  - D. The proposed development would be in keeping with the existing land use character and physical development potential of the area.
2. Approval with modification. The Commission may approve, with modification, an application for a Final Development Plan if the proposed use meets the applicable development standards of the zoning district, but plan modification is required:
- A. To be in accord with the appropriate plans for the area; and
  - B. 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.

3. Disapproval. The Commission may disapprove an application for a Final Development Plan for any one of the following reasons:
- A. The proposed development does not meet the applicable development standards of this Zoning Ordinance.
  - B. The proposed development is not in accord with appropriate plans of the area.
  - C. The proposed development will have undesirable effects on the surrounding area.
  - D. The proposed development is not in keeping with the existing land use character and physical development potential of the area.

(b) After action by the Commission on an application for Final Development Plan approval is provided for in this chapter, the Clerk shall mail to the applicant a record of action taken which shall contain the motion as approved by the Planning Commission.

(c) Any approval of a Final Development Plan shall be valid for a period of twelve months.

(Ord. 0147-2011. Passed 8-1-11).

## **1108.06 DEVELOPMENT AND CONSTRUCTION OF PLAN.**

(a) Absolutely no site work, earth moving or tree removal activities can begin without the following:

1. An approved Final Development Plan.
2. A Gahanna City Engineer approved Grading and Erosion Control Plan.
3. All applicable Building, Zoning, Development, and Engineering fees paid in full.
4. Site inspection of all erosion control measures, tree save fences, preservation zone fences, or other requirements as determined by the Planning Commission, Planning and Zoning Administrator, or City Engineer.
5. Parkland dedication or fees in lieu are paid in full if applicable.
6. Street Tree Plan submitted to Landscape Board for approval if applicable.

(b) Failure to comply with any of the above requirements of Section 1108.06 will result in penalties as stated in Section 1108.99.

(Ord. 0122-2007. Passed 6-18-07).

#### **1108.07 FEES FOR FINAL DEVELOPMENT PLAN.**

The owner shall pay a fee at the time of submission of the Final Development Plan. The fee shall be as established in the Development Fee Schedule set forth in Section 148.12 in Part One of these Codified Ordinances.

(Ord. 0122-2007. Passed 6-18-07).

#### **1108.08 REVISION OF PLAN AFTER APPROVAL.**

No modification or revision of any kind except for the addition of appropriate easements as approved by the City Engineer shall be made in or to a Final Development Plan approved by the Planning Commission under the provisions of this chapter unless such modification is first submitted and accepted by the Planning and Zoning Administrator, and approved by the Planning Commission.

(Ord. 0122-2007. Passed 6-18-07).

#### **1108.99 PENALTY.**

Violation of the provisions of Section 1108.06 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 1108.06 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 shall be considered a separate offense.

Any tree in excess of six inches in caliper that is removed from a site prior to Final 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.

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. 132-96. Passed 8-6-96).