

CHAPTER 620
Development Plan Review

Table with 2 columns: Code and Description. Rows include 620.01 Purpose, 620.02 Development plan review required, 620.03 Pre-application meeting encouraged, 620.04 General development plan submission requirements, 620.05 Final development plan submission requirements, 620.06 Development plan review procedures, 620.07 Review criteria for planned residential developments, 620.07A Review criteria for planned commercial developments and planned commercial overlay districts, 620.08 Expiration of development plan approval, 620.09 County approval of subdivision, 620.10 Significance of an approved final development plan; plan revisions.

SECTION 620.01 PURPOSE.

The purpose of this Chapter is to provide adequate review of proposed developments in those zoning districts where the uses are of such a nature, because of their size, scale, or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and general welfare of the community.

SECTION 620.02 DEVELOPMENT PLAN REVIEW REQUIRED. (Revised 2/14/03) (Amended 2/13/2018)

Review of a general development plan and/or final development plan shall be conducted in compliance with the following:

- A. General Development Plan. A general development plan that indicates the general concept of development for an entire site; including the general location of use areas, open space, and circulation pattern, shall be required for:
1. All Planned Unit Residential Developments;
2. All Planned Commercial Developments;
B. Conditional Use Approval. When applying for a Planned Commercial Development, all conditional uses shall be applied for and approved by the Board of Zoning Appeals before submission of the final development plan. As part of the final development plan process, the Zoning Department or Zoning

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Commission shall review the final site plan for any conditional uses for approval. *(Amended 11/11/22)*

- C. Final Development Plan.** A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, signs, and outdoor storage areas shall be required for the following: *(revised 6/8/00, 1/12/01, 2/13/18) (Amended 11/23/2021)*
1. Planned Residential and Planned Commercial Developments following review and approval of a general development plan.
 2. Platted subdivisions.
 3. New construction of the following uses or structures in multi-family, commercial, and industrial districts:
 - a) All new principal buildings, except single-family dwellings, two-family dwellings, agricultural buildings, or accessory uses associated with those dwellings.
 - b) All new accessory buildings and structures greater than 1200 square feet in size.
 - c) An expansion to an existing building whereby the expansion is greater than 5000 square feet.
 - d) An expansion to an existing building whereby the expansion is greater than 25 percent of the existing floor plan.
 - e) An expansion of a parking lot by 10 or more spaces.
 4. New construction of all conditional uses not included in subsections C.1 through C.3.
 5. Alteration or expansion of an existing or previously approved development, including an increase in the number of lots or dwelling units.

SECTION 620.03 PRE-APPLICATION MEETING ENCOURAGED.

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The applicant is encouraged to meet with the Zoning Commission or Zoning Inspector, or its designated representative prior to submitting an application for general development plan review or final development plan review. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of these zoning regulations and the criteria and standards contained within. However, no action shall be taken at such a meeting and no discussions, opinion, suggestions, or recommendations of the Zoning Commission shall be relied upon by the applicant to indicate subsequent approval or disapproval by the Zoning Inspector.

**SECTION 620.04 GENERAL DEVELOPMENT PLAN SUBMISSION
REQUIREMENTS.**

An application for general development plan review shall include a plan for the entire area of the proposed project. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The general development plan shall indicate:

- A. The location of all existing structures and access points.
- B. The general location of existing buildings, parking and access drives on parcels within 100 feet of the site;
- C. The general location of all fee simple lots (if part of the project), development areas for other uses, parking areas, and access points;
- D. Existing and proposed topography, major vegetation features, and wooded areas;
- E. The general layout of the proposed internal road system, indicating the proposed right-of-way of all proposed public streets.
- F. The general location of restricted open space, required only for planned residential developments.
- G. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space and the number of dwelling units by type;
- H. Proposed phases if the project is to be developed in stages.
- I. Such other documentation needed for the evaluation of the general development plan as may be needed to evaluate the general concept of the proposed development.

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**SECTION 620.05 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.
(Amended 10/10/17)**

An application for final development plan review shall be required for each phase of development. Eight (8) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs, and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- A. An accurate legal description prepared by or certified by a registered surveyor of the state;
- B. A property location map showing existing property lines, easements, utilities and street rights-of-way;
- C. A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 - 1. Proposed fee simple lots for single-family detached dwellings.
 - 2. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;
 - 3. Location of all public rights-of-way and private streets;
 - 4. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
 - 5. Proposed and existing fences, walls, signs, lighting;
 - 6. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
 - 7. Sanitary sewers, water and other utilities including fire hydrants, as required, and proposed drainage and storm water management;
 - 8. Dimensions of all buildings, setbacks, parking areas, drives and walkways.
- D. Maps showing existing and proposed grading contours, wooded areas, wetlands and other environmental features;

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- E. Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal).
- F. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;
- G. Summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type;
- H. A road culvert permit when required by Section 610.09.
- I. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain, EPA, fire, and health departments and wetland regulations, if applicable.
- J. Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.

**SECTION 620.06 DEVELOPMENT PLAN REVIEW PROCEDURES.
(Amended 11/23/2021)**

Development plans, both general and final, shall be reviewed according to the following procedures.

- A. The Zoning Inspector shall review the submitted application for completeness in accordance with Section 610.04, and when determined complete, shall be forwarded to the appropriate governmental agencies for their review and recommendations. Incomplete applications shall be returned to the applicant and the review process shall not continue until the application is determined complete.
 - 1. If the Zoning Inspector determines that a variance is required, then an application to the Board of Zoning Appeals shall be submitted. Variances shall be reviewed and a decision rendered by the Board of Zoning Appeals

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prior to approval of the Development Plan Review application by the Zoning Inspector.

2. Applications for Planned Residential Developments, Planned Commercial Developments, and platted subdivisions shall be forwarded to the Zoning Commission. Other applications may be forwarded to the Zoning Commission if further review is requested by the Zoning Inspector or the applicant.
- B. The application may be transmitted to appropriate township departments, public agencies, or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled and reviewed by the Zoning Inspector and, if applicable, transmitted to the appropriate zoning board. Comments from the Zoning Inspector and other review agencies shall be sent to the applicant to make any required revisions. Any cost for the review by a consultant shall be at the expense of the applicant. The applicant may request an administrative meeting with the Zoning Inspector to review comments.
- C. Action by Zoning Inspector.

The Zoning Inspector shall take action on applications for all permitted uses requiring review of development plans, except planned residential developments, planned commercial developments, and platted subdivisions.

1. The Zoning Department shall give notice of development application by first-class mail to property owners within 500 feet of the property line of the property on which the use is proposed and to adjacent property owners other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius. A “certificate of mailing” shall be obtained from the post office for each mailing. Failure of delivery of such notice shall not invalidate action taken on such application.
2. The Zoning Inspector shall make a decision based on comments received by review agencies. The development plan shall be:
 - a) Approved as submitted; or
 - b) Approved subject to specific conditions not included in the plan as submitted, such as, but not limited to, on-site control of access to streets and landscaping specifications; or

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- c) Denied because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Inspector shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.
- 3. Changes to the approved site plan shall require re-submittal for review pursuant to this Section. The Zoning Inspector shall review the changes and determine if the changes are in conformance with this Resolution. Further review by other agencies may be required.

D. Action by Zoning Commission.

The Zoning Commission shall act on applications for planned residential developments, planned commercial developments, and platted subdivisions.

- 1. The Zoning Commission shall hold a public hearing on the application. Notice of such public hearing shall be given by first-class mail to property owners within 500 feet of the property line of the property on which the use is proposed and to adjacent property owners other than the applicant regardless of the distance when the applicant owns separate parcel(s) within the 500 feet radius. A “certificate of mailing” shall be obtained from the post office for each mailing. Further notice shall be given in one or more newspapers of general circulation in the Township at least 10 days before the date of said public hearing. All notices shall set forth the time and place of the public hearing and the nature of the proposed development plan. Failure of delivery of such notice shall not invalidate action taken on such application.
- 2. The Zoning Commission may request that the applicant supply additional information deemed necessary to adequately review and evaluate the proposed development.
- 3. The Zoning Commission shall:
 - a) Approve the development plan as submitted; or
 - b) Approve the development plan subject to specific conditions not included in the plan as submitted, such as, but not limited to:

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- 1) For General Development Plans - improvements to the general lot layout, open space arrangement or on-site control of access to streets;
- 2) For Final Development Plans – improvements to the lot layout, open space arrangement, on-site control of access to streets, or landscaping specifications.
- c) Deny the development plan because the proposed plan does not meet the requirements and purposes of these regulations. When denied, the Zoning Commission shall indicate the deficiencies and modifications to the development plan that if made would bring the development plan into compliance.
- 4. Failure of the Zoning Commission to act within 60 days from the date the application was determined complete, or an extended period as may be agreed upon, shall, at the election of the applicant be deemed a denial of the development plan.
- 5. Changes to the approved site plan shall require re-submittal for review pursuant to this Section. The Zoning Commission shall review the changes and determine if the changes are in conformance with this Resolution. Further review by other agencies may be required.

SECTION 620.07 REVIEW CRITERIA FOR PLANNED RESIDENTIAL DEVELOPMENTS.

In reviewing plans for Planned Residential Developments, the Zoning Commission shall determine that the development plan complies with the following criteria:

- A. General Development Plan. For a general development plan, the Zoning Commission shall determine that:
 - 1. The appropriate use and value of property within and adjacent to the area will be safeguarded.

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2. The general layout of lots, groupings of buildings, and circulation system within the proposed development are comparable with existing and proposed uses on adjacent property.
 3. The development will have restricted open space areas that meet the objectives of the Comprehensive Plan and the criteria of the Planned Residential Development Regulations.
- B. Final Development Plan. For a final development plan, the Zoning Commission shall determine that:
1. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 2. The development will have adequate public service and open spaces.
 3. Buildings and open spaces are in proportion and scale with existing structures and spaces in the surrounding area.
 4. Restricted open space areas are not isolated from one another by unrelated physical obstructions such as buildings and parking areas.
 5. Natural separations of dwelling types are created by careful planning of streets and clustering of buildings using natural land features and open space for separation. Cul-de-sacs and loop streets, coupled with open spaces, should be used to achieve separation and create identity for sub-areas within the PRD.
 6. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
 7. Adequate provision is made for storm drainage within and through the site so as to maintain, as far as practicable, usual and normal swells, water courses and drainage areas, footer drains, downspout drains and surface drains, and shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
(Amended 9/10/19)

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

SECTION 620.07A REVIEW CRITERIA FOR PLANNED COMMERCIAL DEVELOPMENTS (Amended 2/13/2018)

In reviewing plans for Planned Commercial Developments the Zoning Commission shall determine that the development plan complies with the following criteria: (2/14/03)

- A. General Development Plan. For a general development plan, the Zoning Commission shall determine by a majority vote that:
 1. The appropriate use and value of property within and adjacent to the area will be safeguarded.
 2. The general layout of lots, groupings of buildings, outdoor display areas, and vehicle/pedestrian circulation systems within the proposed development are compatible with existing and proposed uses on adjacent property.
 3. Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.
 4. The development will have adequate public service and open spaces.
 5. Buildings and open spaces are in proportion and scale with existing structures and spaces in the surrounding area.
 6. Natural separations of uses are created by careful planning of access, parking, and clustering of buildings and by using existing natural land features and new landscaping and buffering for space for separation.
 7. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.

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8. Each stage of development shall be carried out so that the foregoing conditions are complied with at the completion of each stage.
- B. Final Development Plan: For a final development plan, the Zoning Commission shall determine by a majority vote that:
1. Conditional Uses have been reviewed and approved by the Board of Zoning Appeals.
 2. The final development plan reflects all changes, additions, eliminations, and issues agreed to by both the applicant and the Commission in the approval of the general development plan.
 3. All conditions of the general development plan approval have been satisfied.
 4. Final development studies including but not limited to traffic studies and storm water management studies show results that are acceptable to the Zoning Commission.
 5. The development will have open space areas that meet the objectives of the Comprehensive Land Use Plan.
 6. Restricted open space areas are not isolated from one another by unrelated physical obstructions such as buildings and parking areas.
 7. Open space has been distributed throughout the entire development to the maximum extent possible.
 8. Storm drainage is managed, to the extent practicable by maintaining existing natural storm water courses and drainage areas. However, such drainage shall comply with the applicable regulations in this Resolution and any other design criteria established by the Township or any other governmental entity which may have jurisdiction over such matters.
 9. The applicant complies with all regulations contained in this resolution that apply to this development plan, which have not been specifically waived or altered by the Commission.

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SECTION 620.08 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

An approved development plan shall remain valid for a period of 12 months following the date of its approval,

- A. General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Zoning Inspector, then approval of the general development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter.
- B. Final Development Plan. If, at the end of that time, construction of the development has not begun, then approval of such final development plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with the procedures set forth in this Chapter. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed.

SECTION 620.09 COUNTY APPROVAL OF SUBDIVISION.

A general development plan for a planned residential development requiring subdivision approval by Portage County shall be submitted to and approved by the Zoning Commission prior to county subdivision approval. The final subdivision plat shall be in substantial conformance with the general development plan approved by the Township.

SECTION 620.10 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN; PLAN REVISIONS.

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a zoning certificate. All construction and development under any zoning certificate shall be in accordance with the approved final development plan. Any departure from such plan shall be considered a violation of this Resolution. Any changes in an approved final plan shall be resubmitted for approval in accordance with this Chapter.
(Amended 11/11/22)

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