

**Article 2 Procedures**

- 2.01 General – All Applications
  - 2.02 Plats
  - 2.03 Site Plan
  - 2.04 Conditional Use Permit
  - 2.05 Rezoning
  - 2.06 Planned Zoning
  - 2.07 Variance
  - 2.08 Appeals of Administrative Decision
  - 2.09 Text Amendments
-

**Table 2-1: Summary of Procedures**

Application	Eligible Applicant				Notice			Pre-development		Review & Decision				Protest
	Owner	Staff	P&Z	CC	Pub	Mail	Post	Staff Meeting	N'hood Meeting	Staff	P&Z	CC	BOA	
Administrative Subdivision (2.02.B)	✓							○		D	A			
Major Subdivision – Preliminary Plat (2.02.C)	✓				■		■	■	□	R	R/PH	Ac / A		
Major Subdivision – Final Plat (2.02.D)	✓							○		D	A			
Site Plan – Administrative (2.03)	✓							○		D	A			
Conditional Use Permit (2.04)	✓				■	■	■	■	■	R	D/PH	A		
Rezoning (Map Amendment) (2.05)	✓		✓	✓	■	■	■	■	■	R	R/PH	D/PH		x
Planned Zoning + Regulating Plan (2.06)	✓		✓	✓	■	■	■	■	■	R	R/PH	D/PH		x
Variance (2.07)	✓					■	■	○					PH/D	
Appeal of Administrative Decision (2.08)	✓	✓	✓	✓		■	■						PH/D	
Text Amendment (2.09)		✓	✓	✓	■					R	R/PH	D/PH		
<p>✓ = Eligible to initiate application</p> <p>■ = Required ○ = Applicant's option □ = Optional at PD Director's Discretion</p> <p>R = Review and recommendation D = Decision A = Appeal of Prior Decision Ac = Acceptance of Improvements / Dedications PH = Public Hearing</p>														

## 2.01 General – All Applications

### A. Applications & Fees

1. *Forms.* Applications required under this chapter shall be submitted to the Department of Planning & Development (PD) on forms supplied by the Department. The PD Director is authorized to establish application forms and submittal requirements to ensure all applications can be evaluated for conformance with this chapter. The PD Director may waive the requirement for any information on standard forms at the time of application, due to the routine nature of the application or due to the context of a particular application making the information inapplicable for review against the criteria.
2. *Fees.* Applications shall be accompanied by a non-refundable fee established by the city's current Fee Schedule. Any application that does not include the required fee shall be returned to the applicant as incomplete. Fees shall not be required with applications initiated by the staff on behalf of the Planning and Zoning Commission or City Council.
3. *Eligible Applicants.* Table 2-1: Summary of Procedures indicates applicants eligible for each particular application under this chapter, which may include the following:
  - a. *Owner.* The record owner of property that is the subject of the application or that owner's agent authorized by written permission of the owner.
  - b. *Planning and Zoning Commission.* The Planning and Zoning Commission, acting on its own initiative or through recommendations brought to it by city staff.
  - c. *City Council.* The City Council, acting on its own initiative or through recommendations brought to it by city staff.

### B. Concurrent Applications.

When a project requires approvals under more than one type of application, the PD Director may determine that each application may run concurrently based on the following:

1. The information required for each type of application is similar or can be easily coordinated between each application.
2. The notice, timing, procedures, meetings, and review bodies required for each application are similar or can be easily coordinated between each application.
3. The ability of the staff and review bodies to make effective decisions under the review criteria when reviewing the applications concurrently.

In cases where the PD Director determines applications may run concurrently, the application shall be reviewed according to the highest review level of any associated application, and approvals may be conditioned on the final decision of the highest concurrent application. No decision shall be considered final until the last of the required decisions has been made.

### C. Pre-development Meeting.

Pre-development discussions are informational and non-binding to assist applicants with due diligence prior to formal application requirements.

1. *Applicability.* In addition to the requirements in Table 2-1, pre-development meetings are required for any residential development of five or more units, and any new non-residential construction or additions (commercial, mixed-use, or industrial building) parking lots) and rezoning applications. A required pre-development meeting may be waived at the PD Director's discretion for any application that is routine in nature and where the topics can be addressed by general correspondence. Pre-development meetings are recommended where they are not required by Table 2-1 and may be requested by the applicant for any application.

2. **Content.** Applicants shall confer with the PD Director and other city staff or officials designated by the PD Director, to discuss the general nature of the proposal, including:
    - a. How the proposed project meets the goals of the comprehensive plan, or other specific plans or policies applicable to the area; if a rezoning is requested.
    - b. The applicant's vision and understanding of the market for the proposed project.
    - c. The proposed uses, general site layout, and conceptual or anticipated design of buildings, including how the project relates to surrounding sites and public spaces.
    - d. How the project will contribute to the area and further the intent of the applicable or proposed zone district.
    - e. Infrastructure capacity, demands, and impacts on existing or planned facilities.
    - f. Development review processes and review criteria.
    - g. Opportunities to improve designs or coordinate the preliminary concepts with other private or public investments in the area.
  3. **Duration.** A pre-development meeting is valid for one year after the meeting date.
- D. **Neighborhood Meeting.** A neighborhood meeting shall be required as indicated in Table 2-1: Summary of Procedures, and any specific uses where it is a condition of a site plan or permit for that use. Neighborhood meetings shall meet the following:
1. **Scheduling.** The applicant shall propose a time and location of the meeting, which shall be approved by the PD Director prior to the notice of the meeting. The meeting shall meet the following:
    - a. Occur at least 21 days before the public review meeting. Generally, the timing shall give sufficient time for any potential outcomes to be incorporated into an amended application and properly reviewed by the city, but have sufficient details on the proposed scope, scale, and characteristics of the project.
    - b. Be held at a location as near to the project as possible and be in a publicly accessible building. If this is not possible the PD Director may consider alternative locations and accommodations.
    - c. Be scheduled at a time and date where it is most likely to allow attendance by interested parties. Generally, weekday meetings in the late afternoon or early evening are appropriate.
    - d. The PD Director may approve a meeting scheduled different from this where the nature or context of the project warrant.
  2. **Notice.** The neighborhood meeting shall require notice in addition to notice required for the public review meeting by Section 2.01.F.3, and shall include the following additional elements specific to the neighborhood meeting:
    - a. Notice shall be sent at least 10 days prior to the meeting to all record owners of real property within 500 feet of the project, and to the president or other officers of any neighborhood association on file with the Planning and Development Department and within this area.
    - b. The city shall mail the notice; however, the applicant shall supply the letter, envelopes, and postage.
    - c. The notice materials are due to the city at least one business day prior to the mailing deadline.
  3. **Content.** The applicant is responsible for all content of the meeting, which at a minimum shall include:
    - a. The general nature and scope of the proposed project;

- 
- b. A summary of the proposed land use, including planned or all potential future uses under the request;
  - c. The most recent plans and submittals available for the project, depicting the scale, location, and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
  - d. Identify and explain the subsequent formal review steps with the city and note that official and formal review by the city may result in changes from the initial concepts.
4. **Summary.** The applicant shall prepare summary minutes of the meeting including evidence of the notice, record of attendance, content, discussion summary, and outcomes of the meeting including any specific changes to the application. This information shall be submitted as a supplement to the formal application at least 10 days prior to the public review meeting. Failure to submit the summary shall make the application incomplete, and the PD Director may table the application until completed.
- E. **Staff Review.** Upon receipt of an application or resubmittal, the PD Director, or their designee shall take the following steps:
1. **Determination of Complete Application.** If an application is determined incomplete, the PD Director or their designee shall notify the applicant of the specific ways in which the application is deficient. No further processing of the application shall occur until the deficiencies are corrected. If a deficient application is not corrected within 30 days of the notice, the PD Director may determine that the incomplete application is withdrawn. If an application is complete, it shall be processed for formal review.
  2. **Staff Review.**
    - a. The PD Director shall coordinate review by the Planning and Development Department after a complete application, and consult with Building and Development Services, Public Works, and other appropriate departments the PD Director determines may be impacted by the application.
    - b. The PD Director may require review by the Administrative Review Committee (ARC) as established in Section 1.04, Administration.
    - c. The PD Director may determine if other referral agencies are appropriate based on the application and has discretion to add any other relevant or applicable agency to the list. The following agencies may be requested to review and comment:
      - (1) Adjacent County and municipal governments;
      - (2) State of Missouri department offices;
      - (3) Gas and electric utilities;
      - (4) Telecommunications and cable providers;
      - (5) Public safety agencies (police, fire, EMS, health);
      - (6) School district(s);
      - (7) Water and sewer utilities; and
      - (8) Other special district, local, state, or federal government agencies or impacted entities
    - d. Failure to receive comments from referral agencies shall not be considered approval by the agencies and may allow the PD Director to delay the application. However, if the applicant demonstrates sufficient due diligence in attaining comments, the PD Director may allow the application to proceed.
    - e. The applicant shall be responsible for coordinating all subsequent requirements, plan amendments, or fees required to satisfy agency requirements, and for

notifying any agency prior to final review of any changes that may affect their comments on initial plans.

3. **Staff Comments.** The PD Director shall coordinate all staff comments on a complete application and may provide the applicant the following information in writing:
    - a. Comments or recommended changes based on the results of any referral agency comments, neighborhood meetings, or staff review.
    - b. A list of any additional information necessary to support the application or address any comments or recommended changes.
    - c. If the applicant chooses not to address any comment or recommended change, a written statement shall be included with the resubmittal that demonstrates a good faith effort to address the issue and provide reasonable rationale why the comment cannot be addressed. The applicant may request to schedule the application for official review based on this rationale.
    - d. If the applicant fails to submit revisions or otherwise address any comments from the PD Director in writing for more than 120 days, the PD Director may:
      - (1) Postpone the application based on the applicant's request and any reasonable justification for a delay in addressing comments; or
      - (2) Determine the application withdrawn and the review terminated. Any further action will require a new application and fees.
  4. **Scheduling.** Applications that have completed staff review and addressed any comments or recommended changes, shall be scheduled for further review or processing according to these regulations.
  5. **Staff Report.** The PD Director or their designee shall prepare a staff report for applications that require review and decisions by other review bodies. The report shall identify the appropriate policies, plans, regulations, and review criteria, and identify relevant facts of the application. The PD Director or their designee shall publish or otherwise make the report available to the applicant and public prior to the review body meeting, in association with the public meeting agenda and packet.
- F. **Notice.** Notice shall be provided for each application as indicated in Table 2.01: Summary of Procedures, which shall provide the date, time, place of the meeting, and general information on the application including the location, type of application, and where additional details may be found.
1. **Published.** Where published notice is required, notice shall be published in an official newspaper or a newspaper of general circulation in the City of Springfield at least 15 days prior to the public hearing or meeting.
  2. **Posted.** Where posted notice is required, notice shall be posted by the applicant on the property or near the proposed site, visible to surrounding properties and the general public from adjacent public ways, according to the following:
    - a. The PD Director shall determine the number, type, size, content, and specific location of signs based on the context of the property and to provide visible and clear notice to the public. One sign shall be posted for each 150 feet of street frontage up to a maximum of three signs, and at least one sign on each street frontage.
    - b. The applicant shall ensure that signs are posted at least 10 days prior to the public hearing or meeting.
    - c. The applicant shall make a reasonable, good-faith effort to maintain posted notice throughout the proceedings.

- 
3. *Mailed.* Where mailed notice is required, the city shall mail notice at least 10 days prior to the hearing or review meeting by first class mail to all owners of real property, as shown on the records of the county assessor, adjacent to or within 185 feet of the subject property.
  4. *Specific Content.* All notice that is required to be published or mailed shall contain the following:
    - a. The name of the applicant as it appears on the application.
    - b. The name of the property owner, if different from the applicant. If there are multiple owners, only three names shall be listed, and a full list shall be on file with the application.
    - c. The street address or common description of the property involved. Published notice shall also include a legal description of the property.
    - d. A concise and accurate description of the nature of the request.
    - e. The date, time, and place of the public hearing or meeting, and whether it includes the right to testify (i.e. public hearing).
    - f. The place at which further information on the application may be obtained and examined.
  5. *Failure of Notice.* Any failure of published, posted, or mailed notice shall not invalidate any subsequent process or decision in the PD Director's discretion. In making this decision, the PD Director shall consider whether:
    - a. Good faith efforts were made to comply with notice, and the failure of notice was beyond the applicant's or city's control;
    - b. Technical errors in the notice were made, but constructive and actual notice was available to all interested parties; or
    - c. The failure of notice is not otherwise influential to the proceedings, criteria, or record established for the decision.
- G. **Public Hearings.** Where public hearings are required by Table 2-1: Summary of Procedures, the following procedures apply:
1. The hearing shall be conducted, and a record of the proceedings shall be preserved.
  2. Any interested person or party may appear and be heard in person or by agent, and the review body may require that this testimony and any evidence or exhibits be under oath or by affirmation.
  3. The review body may request testimony or a report on the application from any government official or agency, experts, or any other person with information pertinent to the application.
  4. A public hearing for which proper notice was given may be continued to a later date without again requiring notice provided in this section if the specific date, time, and place of the continued hearing is announced at the original hearing.
  5. If the review body is a recommending body, a written summary of the meeting and the recommendation shall be forwarded to the decision-making body.
  6. A review body is authorized to establish meeting procedures and bylaws regarding specific conduct and management of public hearings, within the parameters of these regulations.
- H. **Action by Review Bodies.** Required review bodies are indicated in Table 2-1: Summary of Procedures. A review body may take any action on the application consistent with notice given or criteria in these regulations, or recommend such action when the review body is a recommending body, including the following:
1. Approve the application.



2. Approve the application with conditions or modifications that make it more consistent with the standards and review criteria. Any modification to plans prepared by a licensed professional shall require review and consent by the licensed professional.
  3. Deny the application, with specific reasons for the denial.
  4. Continue the application to allow further analysis. The continuation period shall not be more than 60 days from the initial meeting without the consent of the applicant.
- I. **Appeals.** Where no appeal process is designated in Table 2-1: Summary of Procedures, the decision shall be final and only appealed as authorized by law. Any final decision made under this chapter by an administrative official may be appealed according to Section 2.08, Appeal of Administrative Decisions. Where a review body is designated as the appellate body in Table 2-1, the following appeal procedures apply:
1. Appeals shall be filed with the PD Director within 15 days of the final decision by a public review body or 30 days of the final decision by any administrative official.
  2. Appeals shall identify the exact provisions in dispute and whether it is incorrect due to one or more of the following:
    - a. It was against specific standards of this development code;
    - b. It was an unreasonable interpretation or application of the standards or review criteria;
    - c. It was erroneous, based on the record and facts reviewed by the decision-making body; or
    - d. It was otherwise clearly contrary to law.
  3. The following persons and entities shall have standing to appeal the action of the review body:
    - a. The applicant;
    - b. The City Manager, on behalf of any public official, department, or public body; and
    - c. Any other person who was aggrieved and materially affected by the decision, and otherwise has a right to appeal by law.
  4. Prior to forwarding any appeal to the appropriate appellate body, the Administrative Review Committee shall perform a secondary review of the application and issue a final administrative decision. Based on the final administrative decision the applicant may either withdraw the appeal or continue with the appeal before the applicable appellate body.
  5. The appellate body shall consider the application based on the established record, within 60 days of a filed appeal. It shall give deference to the previous review body but may take any action authorized by the decision-making body under this chapter if it determines that a clear error was made.
  6. The procedure and required notice for any appeal that advances to the appellate body shall be the same for the appeal as required of the original application.
- J. **Technical Studies.** The PD Director, on behalf of any public official, department, or agency, the Planning and Zoning Commission, or the City Council, may require applicants to submit technical studies necessary to evaluate the application. Technical review by outside entities with expertise or jurisdiction over some aspects of the application may be required in place of, in addition to, or in association with any studies. Examples of technical studies that may be required include traffic studies, infrastructure capacity and impact analysis, geologic or hydrologic studies, environmental impact and biological assessments, noise studies, market studies, or fiscal and economic impact studies. The persons or firms preparing the studies shall be subject to the approval of the PD Director. The costs of all studies shall be borne by the applicant. Any application that is determined to require technical studies or review from entities outside of the city may require special schedules based on the reasonable time frames to conduct those studies or additional reviews.



- K. **Permits.** Upon final approval as specified for each application in this section, applicants may proceed with all permits necessary to construct buildings, infrastructure, and site improvements. Additional details, plans, and specifications necessary to show full compliance with the standards of this chapter, other applicable city codes and specifications, or other agency requirements or laws may be required.
- L. **Successive Applications.** When the review body takes final action to deny an application, the same or a similar application shall not be refiled for one year from date of denial. The PD Director may permit a refile of the application sooner than one year when it is determined that significant physical, economic, or land use changes have taken place within the immediate vicinity, or where a significant text amendment to this chapter has been adopted that may affect the outcome of the action on the application. There shall be no time limitation on an application that the PD Director determines is substantially different from a previously denied application, when considering the proposed use, scale, or intensity of development, and the potential impacts on adjacent property.

## 2.02 Plats

### A. **Applicability.**

1. **General Applicability.** Plat applications are required to:
  - a. Design and coordinate streets, open spaces and other civic places with developable lots and buildings;
  - b. Establish or alter the legal boundaries of property in coordination development patterns, infrastructure, and services; and
  - c. Account for public infrastructure, access, and services; community facilities; development patterns; or other long-range growth and development considerations prior to potential fracturing of ownership and as individual development projects occur.
2. **Specific Applicability.** Plat applications may be initiated by the property owner, and specifically shall apply to:
  - a. Any division of land into more than one lot or parcel;
  - b. Any adjustment that alters the legal boundaries or potential ownership patterns of legally established parcels or previously platted lots, except those by operation of law, acquisition by a public entity, or by court order; and
  - c. Any development on previously unplatted property where access or connections to public infrastructure or public streets will be required, where public or private easements will be required to build infrastructure; or where the development is otherwise determined to increase the impact on public infrastructure or community facilities.
3. **Types of Plats and Applications.** Plat applications are classified and processed as one of two types:
  - a. **Administrative Plats.** Administrative plats are routine applications that impact the legal disposition of property (property lines, easements, etc.) but do not significantly alter development patterns or impact public infrastructure or services.
  - b. **Major Subdivisions.** Major subdivisions are all other land divisions or development impacting development patterns, rights-of-way, or public infrastructure or community facilities, which typically require a comprehensive review through preliminary plat and final plat procedures.

- B. **Administrative Plat.** Administrative plats shall be processed according to the following criteria and procedures.
1. **Eligibility.** The following situations are eligible for administrative plat processes:
    - a. **Administrative Property Line Adjustment.** A certified survey to confirm the alteration of legal boundaries of previously platted lots or legally established tracts of record prior to March 26, 1956. Only for encroachments.
    - b. **Administrative Lot Combination.** A certified survey to confirm the combination of previously platted lots or legally established tracts of record prior to March 26, 1956 into fewer lots.
    - c. **Administrative Subdivision.** A certified survey to confirm the alteration or the division of one or more un-platted parcels or tracts into no more than five additional lots.
    - d. **Administrative Replat.** A certified survey to confirm the alteration or the division of legally established tracts of record prior to March 26, 1956, or previously platted lots.
    - e. **Administrative Condominium Plat.** A certified survey to confirm the legal boundaries of a unit or structure on a platted lot of record that could only be determined post-construction, such as for duplexes, row houses, or for residential or non-residential condominiums where the units and lots are individually owned, and the property is on a lot of record in common ownership.
    - f. **Administrative Plat Correction.** A certified survey or other legal instrument acceptable to record that confirms a tract, parcel, or lot was legally established and corrects an error or omission from prior legal instruments that results in no observable impacts on the development pattern or potential development.
    - g. **Administrative Tract Certification.** A certified survey or other legal instrument acceptable to record that corrects that confirms a tract or parcel as legally established in the present configuration prior to annexation into the city, under a prior code at the time of its recording, or prior to March 26, 1956 (the date of adoption of the original subdivision regulations).
  2. **Review Criteria.** An administrative plat may be approved by the PD Director if the PD Director determines that all of the following are met.
    - a. Each lot meets the standards of this chapter and can meet the design and development standards of the applicable zone district.
    - b. No new streets or public dedications are needed for the application, except that dedications of additional rights of way or easements may be included provided they are formally accepted by the City Council.
    - c. Each lot is already served by public sewer and public water and only extensions of facilities internal to the block or lot are necessary to serve future development.
    - d. No significant impact on public infrastructure nor interference with existing service levels will result from potential development, and adequate services to the proposed lots can be accomplished at the time of development.
    - e. Each lot has the necessary improvements required by this code or can provide these facilities in coordination with and at the time of development, including access, utilities, and stormwater requirements.
    - f. The lot patterns are compatible with the surrounding area and any previously approved development plans for the subject property. Compatibility shall be based on the size, dimensions, layout, and design of existing subdivisions and rights of way, transitions to adjacent property, and degree of deviation for existing conditions.

- g. For condominium plats, the development meets all physical standards and patterns for development of the lot(s) and building(s), except for the individual ownership of units within the lot(s) or building(s) and complies with the final plat establishing the lot(s) of record for the project and the applicable state condominium laws.

Any application not classified as an administrative plat or not meeting these criteria shall be processed as a major subdivision.

- 3. **Review Procedures.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to administrative plat applications.
    - a. If the PD Director determines at any point in the process that the application is not eligible for an administrative plat or is otherwise trying to evade the major subdivision process, the PD Director may deny the application and require the applicant submit a new application as a major subdivision.
    - b. The PD Director shall make the final decision on administrative plats, and the decision may be appealed to the Planning and Zoning Commission.
    - c. Any administrative plat that includes right-of-way or other public dedication shall be approved by the Planning and Zoning Commission and the dedication accepted by City Council.
    - d. The PD Director shall inform the applicant of a decision in writing within 30 days of the determination of a complete application.
    - e. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee.
  - 4. **Effect of Decision.**
    - a. The applicant shall submit the approved administrative plat and all other required documents and certificates in the proper format to the City for execution of signatures.
    - b. The applicant shall record the administrative plat and executed documents with the Greene County Recorder of Deeds.
    - c. The administrative plat shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved plat.
    - d. An administrative plat not recorded within one year shall expire and any further action shall require a new application.
- C. **Major Subdivision – Preliminary Plat.** Any subdivision not eligible as an administrative plat is a major subdivision that shall require approval of a preliminary plat. A preliminary plat shall be processed according to the following specific procedures.
- 1. **Applicability.** The preliminary plat provides detailed planning review of development patterns, street networks and design types, block and lot layout, and the ability to meet public facility and utility requirements for future development, prior to preparation of detailed construction and engineering plans. The PD Director may allow a preliminary plat and final plat to be processed simultaneously for more routine applications, provided the submittal requirements and criteria for both applications can be met.
  - 2. **Review Criteria.** A preliminary plat shall be reviewed according to the following criteria.
    - a. The application is in accordance with the comprehensive plan, and in particular, the development patterns for Place Types in the plan.

- b. The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.
  - c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of the subdivision regulations and are coordinated with existing or potential development on adjacent property.
  - d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, including lot and development standards, frontage design standards, and access standards.
  - e. The application demonstrates a preliminary likelihood of being able to meet the design, construction, performance, and maintenance requirements for all required improvements.
  - f. Any phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.
  - g. Any impacts identified by specific studies or technical reports, including a review of storm water, traffic impacts, and access management are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.
  - h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area.
  - i. The recommendations of professional staff or any other public entity or review agencies asked to officially review the preliminary plat.
3. *Review Procedure.* In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to preliminary plat applications.
- a. At the pre-development meeting, and based on the size, scope and impact of any future development, the PD Director shall determine whether a neighborhood meeting should be required according to Section 2.01.D.
  - b. Any application may be coordinated with a Rezoning in Section 2.05 or a Planned Zoning in Section 2.06.
  - c. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.
  - d. The Planning and Zoning Commission shall review the preliminary plat, and a preliminary plat that conforms with the standards of this chapter and criteria of this section shall be forwarded to the City Council for a recommendation to accept any dedicated land or improvements. A preliminary plat that does not meet the standards or criteria may be denied by the Planning and Zoning Commission.
    - (1) Any street or public facility included in a major street plan approved by the Planning and Zoning Commission or other specific design plan or public facility plan, regardless of local, state, or federal status, shall not be accepted or constructed unless it is first approved by the Planning and Zoning Commission prior to construction through a preliminary plat or other capital improvements and design review.
    - (2) Any street or public facility not approved by the Planning and Zoning Commission in this manner shall only be accepted or constructed by a two-thirds approval of the entire membership of the board having jurisdiction over the street or public facility
  - e. The applicant may appeal a denial of a preliminary plat by the Planning and Zoning Commission to the City Council.

- 
- f. Based on the Planning and Zoning Commission recommendation, the City Council shall determine if the land or easements proposed to be dedicated for public use and the proposed public improvements shall be accepted by the city.
  - g. The City Council may accept the land and improvements on the preliminary plat contingent on the subsequent filing and recording a final plat that substantially conforms with the preliminary plat, and upon the PW Director certifying that the public improvements have been made or secured in accordance with city standards.
4. *Effect of Decision.*
- a. The approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat and design and construction of improvements in conformance with the preliminary plat.
  - b. An approved preliminary plat shall be effective for two years, except that any complete submittal of final plat for any phases indicated on a preliminary plat shall stay the two-year period, and on approval of a final plat a new two-year period may begin for remaining portions of the preliminary plat.
  - c. The Planning and Zoning Commission may grant a one-year extension on a preliminary plat if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat or other circumstances beyond their control that make the delay reasonable, and if based on finding that no substantial changes in the area will affect the originally approved application.
  - d. If a final plat is not submitted within these parameters, the preliminary plat shall expire, and any further activity shall require a new preliminary plat
- D. **Final Plat.** After approval of the preliminary plat, the applicant may submit a final plat for all or for portions of the preliminary plat area subject to a phasing plan approved with the preliminary plat. A final plat shall be processed according to the following specific procedures.
1. *Review Criteria.* A final plat shall be reviewed according to the following criteria, as well as all criteria applicable to the preliminary plat review.
- a. The layout and design of the final plat substantially conforms with the approved preliminary plat considering:
    - (1) The number and size of lots and tracts;
    - (2) The block layout, street designs and access;
    - (3) The open space systems and civic design elements;
    - (4) The location and capacity infrastructure systems; and
    - (5) Any phasing of the development, improvements, and community amenities.
  - b. The construction plans for any public infrastructure meet all technical specifications.
  - c. All required improvements, dedications, fees, financial guarantees, and maintenance guarantees are provided.
  - d. The recommendations of professional staff or any other public entity asked to officially review the final plat.
  - e. Deviations in the final plat may be considered to substantially conform to an approved preliminary plat and may be approved if the change:
    - (1) Is justified by greater details in planning, design, and engineering in furtherance of the preliminary plat;
    - (2) Complies with all applicable zoning standards, subdivision design standards, and meets the intent and design objectives of those standards;

- (3) Does not increase the impact of any development on required improvements beyond the capacity for required improvements identified in the preliminary plat;
        - (4) Does not impact any condition of the Planning and Zoning Commission or City Council associated with the approval of the preliminary plat;
        - (5) Is consistent with development concepts in the preliminary plat in terms of land uses, scale, and intensity of development, and in no case changes the number of lots, dwelling units, buildings, or sizes of blocks and open spaces by more than 10 percent; and
        - (6) If technical studies were required with the preliminary plat, the author of the study shall submit an amendment noting that the change does not impact any findings of the study.
      - f. Any other changes to the preliminary plat, including significant changes in the phasing or dedication of public lands and rights-of-way, may require approval by the Planning and Zoning Commission and acceptance of the City Council.
2. **Review Procedure.** In addition to the general requirements in Table 2-1 and Section 2.01, the following requirements apply to final plat applications.
  - a. The applicant shall identify all improvements to be constructed, either according to the required improvements listed in this chapter or by a specific agreement for the project approved as part of the preliminary plat. The applicant shall submit final plans and specifications for these improvements and ensure construction of these improvements or financial guarantees as provided in Section 3.04.
  - b. The staff shall review the final plat for conformance with the planning and design elements, and the engineering specifications, and a final plat that meets these criteria shall be approved.
  - c. A final plat that does not meet these review criteria may require reprocessing as a revised preliminary plat.
  - d. The PD Director shall make the final decision on final plats, and the decision may be appealed to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee. The Planning and Zoning Commission decision may be appealed to the City Council.
3. **Effect of Decision.**
  - a. The applicant shall submit the approved final plat and all other required documents and certificates on proper forms to the city for execution. Approval may be conditioned upon payment of all other applicable fees and execution of all applicable agreements prior to recording.
  - b. The applicant shall record the approved final plat and executed documents with the Greene County Recorder of Deeds.
  - c. The final plat shall become effective after recording, and the applicant may proceed with building permits and all other applicable permits consistent with the approved plat.
  - d. No substantial site construction may begin until all final plat documents are executed and recorded, applicable fees paid, and plans and agreements for required improvements are in place according to Section 3.04, Required Improvements. A building permit shall not be issued until the completion, inspection, and acceptance of all required improvements, unless otherwise agreed to in writing with the city.

## 2.03 Site Plan



- A. **Applicability.** The site plan process reviews development projects to ensure compliance with applicable development standards, compatibility with surrounding property and potential future development, and coordination with other necessary permits or improvements required for the project. Site plan applications may be initiated by the property owner.

The site plan process specifically applies to any of the following:

1. Any new nonresidential or multifamily buildings.
  2. New detached houses or multi-unit houses where 3 or more buildings are proposed.
  3. Expansion or alterations to an existing multi-family or nonresidential building that change the footprint by more than 10% or significantly alter the form of the building envelope or character of exterior elevations on more than 25% of the exterior.
  4. Any site development activity that adds impervious surfaces greater than 5% of the lot.
  5. A change of use that is potentially more intense than the existing use, or that could otherwise trigger associated site development activity, such as parking, access, traffic circulation or intensity, landscape, or screening.
  6. Any other changes to existing buildings or site that significantly alter the exterior appearance, or that impact access, circulation, or abutting streetscape designs. This excludes ordinary maintenance to any existing building, structure, or site design element.
- B. **Review Criteria.** Any site plan in compliance with all requirements of this chapter shall be approved. The following criteria shall be considered when evaluating site plans and determining compliance with the standards of this chapter, and in exercising any discretionary approvals or interpretations associated with the site plan:
1. *Generally.*
    - a. The plan meets all applicable standards and meets the criteria for any performance standard, guidelines, exceptions, or modification permitted in this chapter.
    - b. The plan is consistent with any conditions on prior approvals by the Planning and Zoning Commission or City Council associated with the property.
    - c. The application can reasonably be assumed capable of meeting the criteria for all subsequent permits and authorizations needed to build the project as proposed.
    - d. The plan does not undermine the goals or objectives of the comprehensive plan that are applicable to the area of the project or interfere with future development on adjacent property that would be in accordance with the plan.
    - e. The plan does not present any other apparent risks to the public health, safety, or welfare based on other relevant codes, specifications, or industry standards.
  2. *Site Design and Engineering.*
    - a. The plan provides safe access and internal circulation and appropriately balances vehicle, bicycle, and pedestrian needs based on the context and street type.
    - b. The plan provides or has existing capacity for utilities and other required improvements to serve the proposed development, and appropriately stages or phases improvements with potential future development on the site or in surrounding areas.
    - c. The plan provides adequate management of storm water runoff, and addresses stormwater issues at the largest scale practical.
    - d. The plan provides proper grading considering prevailing grades, relationship to adjacent sites, and avoids inherent hazards from topographic, geologic, or physical features on the site.
  3. *Landscape and Open Space Design.*



- 
- a. The plan creates an attractive aesthetic environment and improves relationships to the streetscape and other nearby public, civic, or common spaces.
  - b. The plan enhances the environmental and ecological functions of un-built portions of the site and makes effective use and conservation of natural resources.
  - c. The plan minimizes the exposure and adverse impact of more intense activities or components of the site or building on the streetscape and on adjacent properties.
4. **Building Design.**
- a. The location, orientation, scale, and massing of the building creates appropriate relationships to the streetscape and to adjacent properties.
  - b. The selection and application of materials will promote proper maintenance and quality appearances over time.
  - c. The building reinforces the character of the area and reflects a compatible architectural relationship to adjacent buildings. Specifically, if there is any prevailing consistency or commonality in the scale, forms and features, and materials of buildings in the vicinity, they inform choices on the proposed building.
- C. **Modifications.** The PD Director or Planning and Zoning Commission may consider modifications when applying standards to a specific plan so that the best design solution may be applied to a particular context or site. The applicant shall identify in the application or on a plan where a modification is requested, propose a justification and alternative that meets the criteria, and a decision on each proposed modification shall be clearly indicated on the plans or by written decision associated with the application. The PD Director (minor modification) or Planning and Zoning Commission (major modification) shall use the following criteria to make decisions on a proposed modification:
1. Conditions of the site make strict compliance with the standard impractical or ineffective.
  2. A proposed alternative equally or better meets the intent and design objectives of the applicable standard.
  3. The modification is the minimum necessary to address the conditions and is within any other limitations established for the applicable standards.
  4. The modification does not undermine or conflict with other applicable site or building standards or result in negative impacts on adjacent sites.
  5. The modification is not strictly for the convenience of a specific project, but is justified under any of the following broader community benefits:
    - a. Aesthetic considerations that permit better coordination of the lot and building with the established character of the immediate area;
    - b. Improved environmental performance, considering stormwater, energy use, building performance, landscape design, or operational impacts of the use;
    - c. Increased pedestrian or bicycle accommodations;
    - d. Enhanced civic design considering the relationship of the site and building to streetscapes and open spaces;
    - e. Adaptive reuse of an existing building, additions to an existing building, or infill on an existing lot that accommodates development comparable to that on adjacent property; or
    - f. Better serves public health and safety considerations.
  6. The modification may be based on any additional conditions or requirements reflected in the plan, including stricter compliance or increases in other relevant standards (i.e. setback reduction considered in association with greater building height limitations; etc.)
  7. The modification is limited in degree as specified in Table 2-2.

<b>Table 2-2: Site Plan Modifications</b>		
<b>Site Design Element</b>	<b>Minor Modifications (Staff Discretion)</b>	<b>Major Modification (Planning &amp; Zoning Commission Discretion)</b>
<b>Article 5 &amp; 6: Development &amp; Dimension Standards (5.03 Residential; 6.03 Nonresidential)</b>		
<i>Lot Area</i>	10%	15%
<i>Lot Width</i>	5%	10%
<i>Building Setback</i>	20%	40%
<i>Building Coverage</i>	10%	20%
<i>Building Height</i>	15% , up to 5' max	30%, up to 1 story max
<b>Article 5: Residential Design Standards (Section 5.04)</b>		
<i>Frontage Design, Building Design, Open Space Design</i>	Based on general criteria in this section and specific criterial in Section 5.04.	
<b>Article 6: Nonresidential Design Standards (Section 6.04)</b>		
<i>Frontage Design, Building Design, Open Space Design</i>	Based on general criteria in this section and specific criterial in Section 6.04.	
<b>Article 7: Access &amp; Parking</b>		
<i>Vehicle Access</i>	Dependent on Public Works Director approval and access management policy and guidelines or TIA for the plan	Any non-compliant access for nonresidential uses on major collector or higher class street.
<i>Sidewalks</i>	15%	25%
<i>Required Parking</i>	10%	25%
<i>Parking Landscape</i>	10%	15%
<i>Parking Dimensions</i>	5%	N/A
<i>Loading Requirements</i>	25%	50%
<b>Article 8: Landscape &amp; Site Design</b>		
<i>Required Landscape</i>	15%	25%
<i>Buffers Dimension</i>	5%	10%
<i>Buffer Planting</i>	10%	15%
<i>Fences &amp; Walls</i>	10%	15%
<i>Plant Specifications</i>	Dependent on American Standards for Nursery Stock and PD Director approval	N/A
<i>Outdoor Lighting</i>	5%	15%
<b>Article 9: Signs</b>		
<i>Size &amp; Height</i>	n/a	5%
<i>Location</i>	n/a	10%
<i>Quantity</i>	n/a	n/a

. D. **Review Procedures.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to site plan applications.

1. Site plan applications shall be accompanied by and access plan demonstrating compliance with Section 7.03, Access of this Chapter and Chapter 98.

2. Site plans may require coordination with applications for building permits when necessary to determine compliance with the standards in this chapter.
  3. The PD Director shall determine if concurrent review of any other department or agency is required, or otherwise coordinate the planning and zoning review with other required permits.
  4. Any site plan proposing a major modification shall require review and a decision by the Planning and Zoning Commission. The PD Director or their designee shall forward the application to the Commission with a review and analysis of the plan subject to the approval criteria, and analysis of the modification criteria.
  5. Site plan may be required to accompany applications that require review by other review bodies, such as conditional use permits, rezoning, or variances.
  6. Except for applications requiring review by other review bodies, the PD Director shall make the final decision within 45 days of a complete application and may condition the decision on meeting the requirements of other departments subject to the standards and specifications of all required permits.
  7. The PD Director or their designee shall notify the applicant of a decision in writing, either by returning a set of plans stamped “approved” or otherwise indicating other conditions for a decision or reasons for a denial.
  8. The applicant may appeal a final decision by the PD Director to the Planning and Zoning Commission after a secondary review by the Administrative Review Committee.
- E. **Effect of Decision.** Approval of a site plan shall be valid for 18 months and authorize the applicant to proceed with building permits and all other applicable permits consistent with the approved plan. The PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant’s control and where surrounding conditions or applicable standards have not changed.

## 2.04 Conditional Use Permit

- A. **Applicability.** A conditional use permit provides flexibility for different uses within a zone district and allows the potential for additional uses subject to specific conditions. These uses are not generally appropriate throughout the district, but due to the specific design, operational characteristics, or context of the application, the use may be appropriate based on a case-specific discretionary review. Conditional use permits may be initiated by the property owner for uses identified as conditional uses in the zone district, according to the Use Table in Section 4.02, Permitted Uses.
- B. **Review Criteria.** Conditional use permits shall be reviewed according to the following criteria:
1. All criteria for site plan review in Section 2.03 are met, including any conditions or additional requirements identified in this chapter for the specific use.
  2. The application furthers the intent of the proposed zone district and is consistent with the comprehensive plan.
  3. Compatibility with the area and other allowed uses considering characteristics such as hours of operation, visible and audible impacts, traffic patterns and parking demands, scale and intensity of buildings and activity on the site, and other potential impacts on adjacent property.
  4. The long-range plans applicable to the site and surrounding area are not negatively impacted considering the permanence of the proposed use and structures, the permanence other uses and structures in the area, and any potential changes in character or uses occurring in the area.

5. Whether a limited time period for the permit is reasonably necessary to either limit the duration of the use, reassess the use against changing conditions in the area, or require periodic reporting or review of the permit.
  6. The recommendations of professional staff or other technical reviews associated with the application.
  7. Whether any additional site- or use-specific conditions are necessary to meet these criteria.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements apply to conditional use permit applications.
1. Applications shall be accompanied by site plan where it is necessary to review conformance with standards of this chapter and any design or performance criteria for the particular use. Where the proposed use does not involve proposed development or changes to the site, a plot plan of existing conditions may be submitted.
  2. The PD Director shall schedule complete applications for a public hearing before the Planning and Zoning Commission.
  3. The applicant shall hold a neighborhood meeting at least 21 days prior to the Planning and Zoning Commission public hearing and supplement the application with results from that meeting at least 10 days prior to the hearing.
  4. The Planning and Zoning Commission shall hold a public hearing and make a final decision at or within 15 days of the close of the public hearing.
  5. The applicant may appeal a final decision by the Planning and Zoning Commission to the City Council.
- D. **Effect of Decision.**
1. Approval of a conditional use permit shall authorize the applicant to proceed with building permits, use licenses, and other applicable development or construction permits.
  2. Approval of a conditional use permit shall be valid for 18 months, and the PD Director may grant one extension for up to one additional year if justified by reasons beyond the applicant's control and where surrounding conditions or applicable standards have not changed. Any application not acted upon through issuance of a building permit or occupancy permit according to the approval and conditions within this period shall be void.
  3. A conditional use permit may be revoked or modified with additional conditions by the city through the same procedures approving the permit, upon a finding that the conditions of approval have not been met, or that the use has otherwise violated the provisions of this chapter.
  4. Minor changes to an approved conditional use permit may be approved by the PD Director limited to the following:
    - a. A change of ownership provided all conditions and criteria of the permit are met, and provided the new owner demonstrates the likelihood to continue to comply with all standards.
    - b. Any change to any associated site plan provided it meets the criteria in Section 2.03 and does not violate any required conditions of the approval.
    - c. A change in operations that is otherwise determined by the PD Director to not have a significant impact on any adjacent property, is consistent with the criteria and conditions for approval of the original conditional use permit.
    - d. Any other change shall require an amendment to the conditional use permit through the same process as the original approval

## 2.05 Rezoning

- A. **Applicability.** The rezoning process provides review of changes to the boundary of zoning districts that may be necessary to implement the comprehensive plan, to account for changed conditions in the general area, or to reflect a change in policies with respect to future development. Application for a rezoning may be filed by the property owner, the City Council, or the Planning and Zoning Commission, or by Staff on behalf of these city entities.
- B. **Review Criteria.** Review, recommendations, and decisions for a proposed rezoning shall be based on evaluating and balancing following criteria.
1. The proposed district is consistent with the goals and objectives of the comprehensive plan and any other plan, policy or guidance adopted pursuant to that plan.
  2. Whether the area has changed since the existing zoning has been in place or is it changing to a degree that it is in the public interest to rezone the property.
  3. The proposed district will enable development in character with existing or anticipated development in the area considering:
    - a. The design of streets, civic spaces and other open space;
    - b. The mix, density, or intensity of potential uses
    - c. The pattern, scale, and format of buildings and sites enabled by district standards; and
    - d. The compatibility with and transition to other districts, development, or uses in the vicinity; and
    - e. Any reasonably anticipated negative impacts can be mitigated by applicable development standards or should planning, design, and engineering practices applicable to the site.
    - f. Any rezoning application associated with a proposed conceptual development plan or site plan may be evaluated based on that plan; otherwise, the entirety of what may be enabled by the zoning district shall be considered with the above criteria.
  4. The city or other agencies can provide services, facilities, and infrastructure that may be necessary for anticipated uses in the proposed district, including capacity of the surrounding street network and access on specific street frontages.
  5. Reasonable viable economic use of the subject property will be precluded if the proposed rezoning is denied.
  6. The recommendations of any professional staff or advisory review bodies, and any additional testimony or evidence on the record.
  7. Any relevant information submitted or presented at the public hearing.
- C. **Review Procedure.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following procedures shall apply to rezoning applications.
1. Applications may be accompanied by a non-binding site plan, to review conformance with the comprehensive plan. The PD Director may require that applications for rezoning be associated with a non-binding site plan where:
    - a. The request presents a potentially incompatible transition to adjacent property based on intensity of potential uses, scale of potential development, or other operational characteristics permitted in the proposed district;
    - b. The generally applicable site design and development standards of the proposed district may not adequately address the potential adjacencies or compatibility issues considering the context and scale of the proposed rezoning; and

- c. The rezoning criteria in Section B. cannot be adequately evaluated absent some type of plan framing the extent and characteristics of future development beyond what is generally allowed in the district.
  2. Applicants may propose that a rezoning request be conditioned on a binding site plan for a specific development application.
    - a. In this case, the site plan shall be evaluated according to the criteria in Section 2.03, Site Plan.
    - b. The Planning and Zoning Commission may recommend, and the City Council may approve the request based on any specific elements, conditions, or limitations proposed in that plan, including uses, scale, and intensity of development.
    - c. Any such rezoning shall be designated by a “-C” on the zoning map with a numeric and/or date reference to the specific ordinance and binding site plan included.
  3. Based on the extent of proposed development or degree of change in the proposed application a specific and alternative engagement process beyond the neighborhood meeting and public hearings may be agreed to by the PD Director and applicant.
  4. The PD Director or their designee shall schedule complete applications for a public hearing before the Planning and Zoning Commission.
  5. Unless an alternative engagement process is used, the applicant shall hold a neighborhood meeting at least 21 days prior to the Planning and Zoning Commission public hearing and supplement the application with results from that meeting at least 10 days prior to the hearing.
  6. The Planning and Zoning Commission shall hold a public hearing and make a recommendation at or within 15 days of the close of the public hearing and forward its recommendation to the City Council.
  7. The City Council may recommend the application be returned to Planning and Zoning Commission for further study, additional information, or reconsideration of the recommendation or conditions. Failure by the Commission to consider or revise its recommendation within 60 calendar days shall be considered a resubmission of its original recommendation. Alternatively, based on the information provided at the public hearing the City Council may choose to modify or override the Planning and Zoning Commission recommendation or any specific condition.
  8. In case of a valid protest against a proposed change, approval shall require a favorable vote by two-thirds of all members of City Council. A valid protest shall:
    - a. Be filed with the City Clerk at least 24 hours prior to the Council regular meeting for consideration, and be verified by the City Clerk prior to the meeting;
    - b. Be signed by the owners of 30% or more of either the areas to be included in the proposed change, or of the area within 185 feet of the boundary, excluding rights-of-way and alleys.
  9. Approval of a rezoning shall be by ordinance approved by the City Council.
- D. **Effect of Decision.** Upon approval of a rezoning, the City Clerk shall record a copy of the ordinance approving the zone change with the Greene County Recorder of Deeds. The applicant shall pay all required recording fees. The PD Director or their designee shall make the change on the official map by an actual change or other record identifying the ordinance and affected



property. The zoning shall remain in effect unless changed by the City Council according to the procedures in these regulations.

## 2.06 Planned Zoning

### A. **Applicability.**

1. *General Applicability.* Planned zoning applications are integrated plans and codes to implement projects based on development and design plans for a specific area. The plans establish more refined distribution and relationships of land uses, more specific arrangement of building types and development intensity, or more detailed application of design and development standards than otherwise provided by the comprehensive plan and this code. The process enables flexibility in the otherwise applicable development and design standards based on the plans, but offers predictability for city departments, community stakeholders, and private entities engaged in development and redevelopment activities. Planned zoning is a type of rezoning initiated by the City Council, Planning and Zoning Commission, or property owners, provided that property owner initiation requires the participation and authorization of all property owners in the plan.
2. *Specific Applicability.* Planned zoning shall require a sufficient area to implement planning and design concepts that generate broader community or public benefits, and not simply to facilitate individual projects or to permit adjustments or deviations on a site-specific basis. The development plan shall generally include at least 5 acres; however, the PD Director may permit smaller applications based on any of the following circumstances:
  - a. The application is an addition to a previously approved planned development and is effectively an extension of those areas or projects;
  - b. The application affects a smaller area of potential development, but the context, plan, and design concepts of a larger study area meet the intent and applicability for planned zoning; or
  - c. The area is completely unique and distinct from the surrounding areas, and the criteria and broader benefits from planned zoning are only applicable to the smaller area.

### B. **Area Plan Content.** Planned zoning shall require preparation and adoption of an area plan that includes following general components, which may be created in unison or in coordinated stages:

1. *Existing Conditions.* A summary evaluation of the current state of the area potentially including land uses, structures, infrastructure, circulation pathways, public spaces, and natural features, currently anticipated improvements, and relative potential for desirable redevelopment.
2. *Vision & Development Plan.* A vision and development plan presents the design and development goals for area through a series of maps, illustrations, and narratives, or similar planning documents. The vision and development plan shall determine the general character, scale, intensity, and arrangement of development and uses within area, including any transitions within the plan or sub-areas for distinct goals and objectives. The vision and development plan shall identify relationships to adjacent areas and establish the policy, planning, and design basis for any flexibility proposed through the regulating plan.



- 
3. *Public Space Plan.* A public space plan is a design plan for the public realm. It outlines the location, design characteristics, and functions of all proposed streets and open and civic spaces – whether public, common, or private – and creates the framework for the plan. A public space plan that includes all elements for a preliminary plat in Section 2.02, Plats, including dimensions of streets, open spaces, blocks, lots, and tracts, may be proposed as an official application for a preliminary plat where new development will occur.
  4. *Regulating Plan.* The regulating plan serves as the zoning regulations for the area. The regulating plan shall be a supporting overlay on the existing base zone district(s) or propose any associated changes to the base zoning districts. The regulating plan shall address the following land use and development standards, particularly where deviations from the base district standards apply:
    - a. Specific land uses, and any limitations or conditions associated with any use,
    - b. Building types, lot standards, and development standards for eligible building types or lots applied on a block or lot basis.
    - c. Landscape and open space design including streetscapes, frontages, open space and site standards coordinating with the Public Space Plan.
    - d. Other site development or performance standards affecting parking, access, screening, building design.
    - e. Any specific development review processes applicable to implementing future development according to the plans and regulations.Absent any specified deviations, additions, or subtractions in the regulating plan, the base district standards shall apply.
- C. **Review Criteria.** Review, recommendations, and decisions for planned zoning shall be based on the following criteria:
1. The plans apply the goals and policies of the comprehensive plan and the intent and design objectives of this chapter to the area in more specific detail.
  2. The regulating plan may supplement, modify, or waive standards to allow the project to better meet or exceed the intent statements of the applicable or proposed base zoning district(s) and design objectives of any specific standards.
  3. The benefits from any flexibility in the proposed plans and regulations promote the general public health, safety and welfare of the community and surrounding areas, and the proposed flexibility is not strictly to benefit the applicant or a single project. Specifically, the flexibility should serve one or more of the following:
    - a. Adjustments based on existing conditions of the area that are desirable to maintain and incorporate into the development and design plan;
    - b. Establish better transitions to adjacent development with additional limitations, conditions, or enhanced site design requirements;
    - c. Better integrate multiple projects that could otherwise only be done in separate zoning districts;
    - d. Maintain and reinforce the established character of the area or initiate a unique character that can strengthen the appeal and identity of the general area;
    - e. Improve non-conventional accessibility, including pedestrian, bicycle, transit, or mobility impaired people;
    - f. Adaptive reuse, infill development, or development that preserves cultural assets or heritage resources;
    - g. Sustainable development and design strategies including low-impact site design, green buildings, or resource conservation;
    - h. Coordinate with economic development strategies or other official policies and programs related to land use and development.

- 
4. The plans reflect generally accepted and sound planning and community design principles with respect to applying the goals and policies of the comprehensive plan and the intent and design objectives of the development code to the area.
  5. The plans meet all of the review criteria for a rezoning in Section 2.05.B.
- D. **Review Procedure.** In addition to the general procedures in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following specific procedures shall apply to planned zoning applications.
1. The planned development application is a type of rezoning and shall follow the procedures in Section 2.05.C,
  2. The planned development process involves at least two steps: the development plan establishing the zoning and any necessary deviations (Existing Conditions, Vision and Development Plan, Public Space Plan, and Regulating Plan); and platting and site plans for development of specific components of the development plan.
  3. Based on the complexity of projects and extent of advanced planning and urban design necessary to support the development, the PD Director may require, or the applicant may elect, breaking the review of the elements of a development plan in subsection B. into more than two steps to review concepts and preliminary designs prior to approval of the full development plan and proposal of regulation adjustments.
  4. In cases where new development is proposed, land may need to be subdivided, or streets and public lands dedicated in order to carry out a development plan. The platting process is a separate process but may run concurrently with the planned development process, as specified in Section 2.01.B.
  5. All development in planned districts shall require site plan review according to Section 2.03, Site Plans. The Planning and Zoning Commission may recommend, and the City Council may approve Regulating Plans that require site plan applicability and review processes different from what would otherwise apply.
- E. **Effect of Decision.** Approval of a planned zoning shall have the same effect as rezoning property; however, approval of individual component plans or where the plans are approved in steps, will have the effects specified below.
1. *Vision & Development Plan.* Approval of the vision and development plan and existing conditions without any other plans shall only mean that the basic concepts are agreed to in principle as conforming to the intent of the comprehensive pan and any other plans or policies created under the guidance of that plan. In association with approval of the other plans, approved vision and development plans serve as a more specific representation of the intent and policy objectives for the area.
  2. *Public Space Plan.* Approval of a public space plan shall only mean that the basic development patterns and community design and infrastructure concepts are agreed to in principle as conforming to the intent of the comprehensive plan and any other plans or policies created under the guidance of that plan. However, approval of a public space plan may have the same effect as approval of a preliminary plat as specified in Section 2.02, Plats, provided it includes or is accompanied by information required for preliminary plats.
  3. *Regulating Plan.* Approval of the regulating plan, in association with the other components of the planned zoning, shall have the same effect as a rezoning specified in Section 2.05. Sites governed by an approved regulating plan shall be designated on the Official Zoning Map with the letters of the proposed base zoning district plus “-P” (planned). (For example, where a portion of the development plan uses the R-SF, R-TF

and the LB base zoning districts, the zoning of each area of an approved regulating plan shall be R-SF-P, R-TH-P, and LB-P respectively.)

4. *Final Development.* Prior to applying for permits for final development, any project included as part of a planned zoning shall first require approval of a final plat and a site plan (administrative or discretionary) as provided in these regulations. In addition to all other information and criteria required for those applications, submittals under an approved planned zoning shall include all necessary information to demonstrate that all applicable standards, requirements, and conditions of the development plan have been met.

## 2.07 Variance

- A. **Applicability.** A variance provides relief from a strict interpretation of the zoning and site design and development standards of this chapter, which when applied to a particular property and in a specific context limits all reasonable use of the property. This application shall only apply to the design, dimension, and other site development standards of this chapter and shall not be used to authorize a use that is prohibited by the applicable zoning district. Variances may be initiated by the property owner.
- B. **Review Criteria.** A variance shall be reviewed and approved only on the finding that all of the following conditions are met:
  1. Unique physical conditions not ordinarily found in the same zoning district and that are not created by the property create practical difficulties in meeting the standard;
  2. The strict application of the regulations constitutes an unnecessary hardship upon reasonable use of the property. Economic considerations alone shall not constitute unnecessary hardship if a reasonable use for the property exists under the standards of this chapter;
  3. The variance will not adversely affect the public safety or general welfare;
  4. The variance will not undermine the purpose the ordinance, the intent of the zone district or standards, or any other required professional design standard or specification;
  5. The variance will not adversely affect the rights of adjacent property owners or residents; and
  6. The variance is the minimum necessary to relieve the conditions and permit reasonable use of the property.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01, General – All Applications, the following requirements are specific to variance applications.
  1. The Board of Zoning Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days after the PD Director determination of a complete variance application.
  2. The Board may impose conditions and requirements that best assure the criteria for approval are in place and maintained, and any violation of these conditions shall be considered a violation of the ordinance.
  3. The Board shall document all decisions in writing, including the grounds for its decision based on findings of fact regarding all criteria, within 30 days after the public hearing. The decision shall be filed with the PD Director, who shall provide the decision to the applicant, other persons requested to be notified
  4. The concurring vote of four members of the Board shall be necessary to grant a variance.
- D. **Effect of Decision.**

1. An approved variance shall become effective when recorded with the Greene County Recorder of Deeds. The applicant shall record the written approval, and upon recording may proceed with any necessary building permits, licenses, or other permits authorized in the variance.
2. Any decision not acted on within one year of the decision by the Board shall expire.
3. A variance recorded and acted upon shall run with the land to extent the zoning of the subject property remains in place, unless vacated by the Board through the same procedures and criteria for granting the variance.
4. Any person aggrieved by a final decision of the Board may appeal the decision to the district court within 30 days of the Board's vote on the final decision.

## 2.08 Appeal of Administrative Decision

- A. **Applicability.** The appeal of administrative decisions is a process to determine if there was an error in order, requirement, decision, or determination made by an administrative official in the interpretation, administration, or enforcement of this chapter. Appeals may be filed by any aggrieved person, or by any officer, department, board, or agency of the city affected by any final decision by an administrative official.
- B. **Filing.** Appeals shall be filed with the secretary of the Board of Adjustment and with the official who made the decision within 30 days of the final decision.
  1. The appeal shall be on forms provided by the PD Director and include all information required by the PD Director and any additional information relevant to the decision and criteria for appeals.
  2. Prior to forwarding any appeal to the Board, the Administrative Review Committee shall perform a secondary review of the application and issue a final administrative decision.
  3. Based on the final administrative decision the applicant may either withdraw the appeal or continue with the appeal before the Board.
  4. The official from whom the appeal is taken shall forward all relevant information regarding the decision to the Board.
- C. **Effect of Filing.** An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal that a stay could cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Adjustment or by a court of record.
- D. **Action and Review Criteria.** The Board of Zoning Adjustment shall hold a hearing at its next regularly scheduled meeting 28 days beyond the filing of an appeal.
  1. The appellant and official shall be notified in writing of the date, time, and place of the hearing.
  2. In exercising the appeal power, the Board shall have all the powers of the official from whom the appeal is taken, and the Board may reverse or affirm, wholly or partly, or may modify the decision being appealed.
  3. The Board shall grant the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant, and an appeal shall be sustained only upon finding that the official was in error.
  4. The Board shall make a decision and file written findings with the PD Director within 30 days of the hearing, and the PD Director shall notify the applicant and administrative official of the decision.
  5. The concurring vote of at least four members of the Board of Adjustment is necessary to approve an appeal and override an administrative official's decision or interpretation.

- E. **Effect of Decision.** The decision by the Board of Adjustment shall have the same effect as a decision made by the administrative official. The PD Director shall refund any appeal application fee if the Board determines there was an error. Any person, including any city official or review body, aggrieved by a decision of the Board may bring an action in the district court within 30 days of the final decision of the Board.

## 2.09 Text Amendment

- A. **Applicability.** Amendments to the text of these regulations may be initiated by the City Council or the Planning and Zoning Commission, or by Staff on behalf of these entities.
- B. **Review Criteria.** A text amendment shall be reviewed according to the following criteria:
1. It is consistent with the comprehensive plan.
  2. It furthers the purposes of these regulations in Section 1.02. and has been considered for both its long-range effects as well as immediate impacts.
  3. Whether it is necessitated by a change in conditions in the zoning district or specific areas impacted by the change.
  4. The amendment improves the effectiveness and efficiency of administering the Land Development Code.
  5. Any relevant information submitted or presented at the public hearing.
- C. **Review Procedures.** In addition to the general requirements in Table 2-1: Summary of Procedures and Section 2.01 General – All Applications, the following requirements shall apply to text amendment applications.
1. Applications may be accompanied by a related comprehensive plan amendment, or a more specific plan, provided that amendment or plan has met all of the legal and policy requirements for plan approvals independent of the proposed text amendment.
  2. The City Council may recommend the application be returned to the Planning and Zoning Commission for further study or additional information at its next regular meeting. Failure by the Planning and Zoning Commission to consider or revise its recommendation shall be considered a resubmission of its original recommendation.
- D. **Effect of Decision.** Amendments to the text of these regulations shall be approved by the City Council in the form of an ordinance and be effective after the date specified in the ordinance. The PD Director shall incorporate approved amendments into this chapter by reference to the specific amending ordinance and indicate the newly applicable provisions and the replaced provisions, or by recodification of the official code that incorporates the approved amendment.