

CHAPTER 1228

Administrative Procedures for Development Plan Review

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1228.01 PURPOSE.

This Chapter establishes procedures for reviewing and acting upon applications for development plan review in order to accomplish the purposes for which this Planning and Zoning Code is adopted. Any reference to the "Zoning Enforcement Officer," "Planning Coordinator" or "City Engineer" includes their designees.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.02 DEVELOPMENT PLAN REVIEW REQUIRED.

Review and approval of a general development plan and/or final development plan shall be conducted in compliance with the following prior to the issuance of a zoning permit:

(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, designated landmarks, and circulation pattern, shall be required for any project that is to be constructed in phases. Applicants for other types of projects may, but are not required, to submit a general development plan.

(b) Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, designated landmarks, landscaping, parking areas, access drives, signs, and outdoor storage areas shall be required for the following:

(1) For any proposed development for which, according to division (a) above, a general development plan is required;

(2) All cluster residential, attached single-family and multi-family developments;

(3) New construction of all permitted uses in business, office and industrial districts;

(4) New construction of all special uses; and

(5) Any existing or previously approved development meeting the criteria of division (b)(1) through (4) above that proposes to alter, reconstruct, or otherwise modify a use or site including expanding the floor area of the permitted use; increasing the number of dwelling units in a residential development; or changing the use which requires an increase in the amount of parking or a change in the site's circulation.

(c) Re-occupancy. Re-occupancy of an existing structure when there is no change in the bulk of the structure and no change in the required parking spaces or in the layout of the existing parking lot shall be exempt from the development plan review procedures; however, a business license, acquired through the Building Department, is required.

(Ord. 58-01. Passed 5-29-01; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12.)

1228.03 FILING AN APPLICATION.

The applicant shall file an application for development plan review with the Zoning Enforcement Officer. Applications for joint developments shall be filed separately yet reviewed simultaneously.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.04 PREAPPLICATION MEETING ENCOURAGED.

The applicant is encouraged to meet with the Zoning Enforcement Officer or the Planning Coordinator prior to submitting an application for general development plan review or final development plan review. A meeting with the City Engineer to review all stormwater requirements (as set forth in [Chapter 1050](#) of these Codified Ordinances) may be performed at the same time as the pre-application meeting. The purpose of this meeting is to discuss early and informally with the applicant the purpose and effect of this Planning and Zoning Code and the criteria and standards contained within. However, no action shall be taken at such a meeting and no opinions, suggestions, or recommendations discussed shall be relied on by the applicant to indicate subsequent approval or disapproval of the development plan.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.05 MINOR ALTERATIONS REVIEWED BY PLANNING COORDINATOR.

When a minor alteration is proposed to an existing building, designated landmark, structure, or site arrangement on a zoning lot otherwise subject to development plan review pursuant to Section [1228.02](#), or on a previously approved development plan, the Planning Coordinator may make a preliminary determination that such proposal is not subject to development plan review.

(a) For the purposes of this section, a minor alteration shall include the following:

- (1) Small incidental construction of accessory structures;
- (2) Incidental additions or alterations to principal buildings on large zoning lots; and
- (3) Proposed construction of a building or structure that is substantially distant and screened from adjacent roadways and property lines so as to have no impact on the surrounding properties.

(b) The applicant shall submit a scaled drawing indicating the proposed minor alteration.

(c) The Planning Coordinator shall review the proposal to determine that the proposal is not contrary to this Planning and Zoning Code and will not result in any material adverse impact to the site or surrounding areas. In making this determination, the Planning Coordinator shall forward the application to the appropriate City departments for review and comment. Any reports or comments shall be returned to the Planning Coordinator within 10 days from the date the application was submitted.

(d) When the Planning Coordinator makes such determination, the proposal shall then be placed on the agenda of the next regularly scheduled Planning Commission meeting. At such meeting the Planning Commission shall, by motion and majority vote, either:

(1) Confirm the Planning Coordinator's preliminary determination, in which case the Zoning Enforcement Officer may issue a zoning permit; or

(2) Overturn the Planning Coordinator's determination and in so doing require that the proposal fully comply with the development plan review procedures set forth in this Chapter.

(Ord. 58-01. Passed 5-29-01; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12.)

1228.06 DEVELOPMENT PLAN REVIEW PROCEDURES.

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

(a) Review for Completeness. The Planning Coordinator shall review the submitted application for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Planning Coordinator shall notify the applicant prior to the Planning Commission meeting of the deficiencies and place the application on hold until complete. When the application is determined complete and the application fee has been paid, the Planning Coordinator shall officially accept the application for consideration and place it on the Planning Commission's agenda.

(b) Distribution of Plans. Within two days after determining that an application is complete, the Planning Coordinator shall forward the application to the appropriate City departments (including Landmarks Preservation Commission) and professional consultants for review and comment. Any reports, comments or expert opinions shall be returned to the Planning Coordinator within ten days from the date the application is deemed complete.

(c) The applicant for a general or final development plan must deposit funds for the City to conduct a review of their plans by a Certified Planner and/or any other design professional.

(d) Architectural Review in the C-2 District. Applications which include new construction or the significant alteration of a building in the C-2 French Creek district shall be forwarded to the City Architect for review and comment. The City Architect shall review such application for compliance with the design guidelines set forth in Section [1270.09](#). The City Architect shall provide a recommendation regarding such application to the Planning Coordinator within ten days from the date the application is deemed complete.

(e) Transmission to the Planning Commission. The Planning Coordinator shall distribute the application for development plan review and any recommendations from the individuals or departments in divisions (b) and (c) above to the Planning Commission.

(Ord. 58-01. Passed 5-29-01; Ord. 219-03. Passed 11-10-03; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12.)

1228.07 GENERAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for general development plan review shall be required if the project is to be phased and shall include a plan for the entire area of the proposed project. The application, including the general development plan, and a sufficient number of copies as determined by the Planning Coordinator, along with the application fee shall be submitted to the Planning Coordinator at least 29 days prior to the meeting at which such plan is to be considered. The general development plan shall be drawn to an appropriate scale and shall indicate:

- (a) The applicant's legally sufficient proof of standing to proceed on subject property;
- (b) The location of all existing structures and access points;
- (c) The general location of existing buildings, parking areas and access drives on parcels within 200 feet of the site;
- (d) The general location of lots, cluster dwelling areas, common open space and other common areas;
- (e) The general use and location of all proposed construction including buildings, structures, parking areas, and access points;
- (f) The location of existing and proposed topography, major vegetation features, and wooded areas;
- (g) The general layout of the proposed internal road system, indicating the proposed vehicular right-of-way of all proposed public streets and pedestrian circulation;
- (h) Pedestrian circulation, including conformance with all applicable plans of the City;

(i) A summary table showing total acres of the proposed development, the number of acres devoted to each type of use, including streets and common open space, and the number of proposed dwelling units by type;

(j) Proposed phases if the project is to be developed in stages, indicating the phases during which any common facilities are anticipated to be constructed;

(k) Other documentation needed for the review of the general development plan as may be needed to evaluate the general concept of the proposed development;

(l) List and location of any designated landmarks; and

(m) Notify Landmarks Preservation Commission of any designated landmarks.

(Ord. 58-01. Passed 5-29-01; Ord. 220-03. Passed 11-10-03; Ord. 43-04. Passed 4-12-04; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12.)

1228.08 REVIEW BY CITY CONSULTANTS.

The applicant for a general and/or final development plan must deposit funds, in an amount deemed sufficient by the City, to enable the City to conduct a thorough review of the plan so submitted by a certified planner and/or other design professionals.

(Ord. 79-12. Passed 9-10-12.)

1228.09 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

In addition to meeting all the requirements of Sections [1228.07](#) and [1228.08](#), an application for final development plan review shall be required for each phase of the development or for the entire area of a project if in complete development. The application and the application fee shall be submitted to the Planning Coordinator at least 29 days prior to the meeting at which such plan is to be considered. The application shall include the maps, plans, designs and supplementary documents itemized below, unless specific items are determined by the Planning Coordinator to be inapplicable or unnecessary and are waived in writing by the Planning Coordinator. Upon review by the Planning Commission, any information waived by the Planning Coordinator may subsequently be required. A sufficient number of copies of the maps, plans, designs and supplementary documents as determined by the Planning Coordinator shall be submitted with the application.

(a) An accurate, legal description prepared or certified by a registered surveyor of the state;

(b) An area map showing the relationship of the site to existing development and including existing property lines, easements, utilities and street rights-of-way of the subject property and property within 200 feet of the site, and zoning district boundaries;

(c) A final development plan, prepared by a qualified professional and drawn to a maximum scale of 1 inch = 60 feet, indicating the following:

(1) Use, location and height of existing and proposed buildings and structures;

(2) Location of all public rights-of-way and private streets;

(3) Location and configuration of vehicular circulation, including off-street parking and loading areas; the arrangement of internal and in-out traffic movement, including access roads and drives; lane and other pavement markings to direct and control parking and circulation; and the location of signs related to parking and traffic control. All ingress/egress easements must be shown. A traffic study shall be provided to and approved by the City upon request;

(4) Location of proposed and existing structures, including fences, walls, and lighting;

(5) Location and layout of all proposed and existing outdoor storage areas, including storage of waste materials and location of trash receptacles;

(6) Sanitary sewers, water and other utilities, including fire hydrants, as required, and proposed drainage and storm water management. Any City dedicated improvements located outside of the right-of-way shall have the appropriate easements/blocks identified. All BMPs shall have an access easement dedicated to the City.

(7) Dimensions of all buildings, setbacks, parking areas, drives, sidewalks, and walkways;

(8) Location of common areas, including a description of the size and character of any common open space;

(d) Topographic maps showing existing and proposed grading contours and major vegetation features, including existing trees with a caliper of four or more inches, wooded areas, wetlands and other environmental features. All proposed contours must connect to an existing contour at the property lines;

(e) Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping, screening elements and any existing trees to be removed;

(f) Water management and sediment control plans. The SWPPP shall show existing water bodies and other land features needed to create an accurate plan. All items identified in [Chapters 1050](#) through [1053](#) of the City of Avon Codified Ordinances shall be included:

(1) A separate SWPPP sheet will be submitted. All needed calculations shall be provided on the drawings concerning any erosion control devices (sediment traps, sediment basins, etc.) as required by the City Engineer;

(2) A separate SWPPP detail sheet showing specific details of all erosion control devices used on site;

(3) BMP sheet showing dimensions of all BMPs, along with the needed dimensions of all outlet structures. Cross-sections of all BMPs shall also be submitted;

(4) All BMP calculations shall be submitted separated as indicated in [Chapters 1050](#) through [1053](#) of the City of Avon Codified Ordinances;

(5) A drainage map showing the proposed contours (connected to off-site existing contours) with all proposed storm sewer infrastructure (include pertinent information for infrastructure).

(g) Illumination plan, including but not limited to light pole heights and locations, average foot candle calculations and location of house side shields;

(h) Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, site construction materials, and signs, prepared and certified by a professional engineer, architect, or surveyor;

(i) 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 proposed dwelling units by type, building coverage, pavement coverage and acreage devoted to open space;

(j) Subdivision plat, if appropriate;

(k) If a phased development includes improvements that are designed to relate to, benefit, or be used by the entire development, then for the first phase the applicant shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases of the entire development;

(l) The substance of covenants, grants of easements, or other restrictions which will be imposed upon the use of the land, buildings, and structures, including proposed easements or grants for public utilities and joint developments and/or legal documentation establishing a homeowners association or other legal entity responsible for control over required common areas and facilities. If the project is a phased development, such legal documentation shall be submitted with the first phase;

(m) For nonresidential projects that are located adjacent to or across the street from a residential district or use and for R-3 projects that abut an R-1 or R-2 District, the applicant shall submit a list of all record title holders of property immediately adjacent to, adjoining, abutting or directly across the street from the property to which the development plan pertains. The information shall include the addresses and permanent parcel numbers, as shown on the current tax duplicate in the office of the County Treasurer;

(n) Notification of any hazardous materials that the applicant plans to store on the site;

(o) Other information necessary for the evaluation of the final development plan as deemed necessary by the Planning Coordinator or City Engineer;

(p) Electronic copy of design drawings for all property lines, streets, trails, sidewalks, street lighting and facilities, existing and proposed utilities, easements, storm basins and structures. The electronic copy of all submissions must be in PDF and DWG/DXF formats;

(q) Address Map (needed for any multi-tenant project) that consists of the following:

(1) Drawing will be 11 x 17;

(2) Show streets and lots;

(3) Sublot numbers will be shown with a location to have the addresses placed;

(4) Signature line for the following people;

A. Chief Building Official;

B. Planning Coordinator;

- C. City Engineer;
- D. Design Engineer.

(5) This address map is to be recorded with the County at the time that the final plat is recorded;

(6) Address map must be submitted to the City. The City will supply the addresses;

(7) It is the responsibility of the developer to have the address map recorded;

(8) The address map shall consist of the entire development and shall be updated with any subsequent phases.

(r) Copy of the latest Approved General Development Plan;

(s) Supply substantiation that the development plan complies with the Master as required by the City Engineer;

(t) Status of any designated landmarks located in the area; and

(u) Notify Landmarks Preservation Commission of any designated landmarks.

(Ord. 79-12. Passed 9-10-12; Ord. 42-13. Passed 5-13-13.)

1228.10 PLANNING COMMISSION REVIEW OF A GENERAL DEVELOPMENT PLAN.

The Planning Commission shall review a development plan to determine if such application complies with the review criteria set forth below. The Planning Commission shall take into consideration the comments and recommendation of staff and consultants when reviewing the application. In order to approve a general development plan, the Planning Commission shall determine that:

(a) The plan is consistent with the Master Plan.

(b) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

(c) The development will have adequate open spaces as required by the Zoning District.

(d) 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 Planning and Zoning Code.

(e) Proper protection and/or disposition of any designated landmarks.

(f) The plan meets all the requirements of Section [1244.09\(f\)\(5\)](#).

(Ord. 58-01. Passed 5-29-01; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12.)

1228.11 PLANNING COMMISSION REVIEW OF A FINAL DEVELOPMENT PLAN.

The Planning Commission shall review a final development plan to determine if such application complies with the review criteria set forth below. In order to approve a final development plan, the Planning Commission shall determine that:

(a) The plan is consistent with any plan for the orderly development of the City and, when applicable, conforms in all respects to the approved or provisionally approved general development plan, provided however, that the Planning Commission may authorize plans as specified in Section [1228.15](#).

(b) The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property.

(c) Adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site and to adjacent property.

(d) The development complies with the current requirements set forth in the City's Building Codes, The Ohio Fire Codes, Americans with Disability Act (ADA) requirements or any other governmental laws and regulations.

(e) The development will have adequate public service and open spaces as required by the Zoning District.

(f) 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 Planning and Zoning Code.

(g) The development will provide adequate lighting for safe and convenient use of the streets, walkways, driveways, and parking areas.

(h) The landscape plan will adequately:

(1) Enhance the principal building and site;

(2) Maintain existing trees to the extent possible;

(3) Buffer adjacent incompatible uses as required by the Zoning District;

(4) Break up large expanses of pavement with natural material;

(5) Provide appropriate plant materials considering the ultimate mature size and shape of plants relative to the buildings and site, and the climate of the area, including typical weather conditions.

(i) All provisions of [Chapters 1050](#) through [1053](#) of the City of Avon Codified Ordinances shall be complied with as directed by the City Engineer.

(j) Adequate provision is made by the appropriate parties in the form of a covenant or agreement to ensure the perpetual use of shared facilities and/or areas such as parking areas, access drives and any common areas and the maintenance of such facilities and/or areas.

(k) Evidence of action taken by the Landmarks Preservation Commission or copy of the demolition permit.

(l) The final development plan meets all of the requirements of Section [1228.08](#).

(m) All submissions must be in PDF and DWG/DXF formats.

(Ord. 58-01. Passed 5-29-01; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12; Ord. 42-13. Passed 5-13-13; Ord. 43-13. Passed 5-13-13.)

1228.12 REQUEST FOR ADDITIONAL INFORMATION.

In their review of an application, the Planning Commission may request that the applicant supply additional information, that the Commission deems necessary to adequately review and evaluate the proposed development. Such information may include, but not be limited to, a traffic study and/or Autoturn® or its equivalent.

(Ord. 58-01. Passed 5-29-01; Ord. 139-06. Passed 1-8-07; Ord. 79-12. Passed 9-10-12; Ord. 2-15. Passed 2-9-15.)

1228.13 NOTICE TO ADJACENT PROPERTY OWNERS.

In the event the application for final development plan review involves a parcel in any office, business or industrial district that abuts a residential district or in an R-3 district that abuts an R-1 or R-2 district, all record title holders of property which are immediately adjacent to, abutting, adjoining, or directly across the street from the proposed development shall be given public notice of the public meeting at which the Planning Commission is to review the proposed final development plan. Notification shall be made at least 10 days before the date of the Planning Commission meeting at which the proposed final development plan will be considered.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.14 SIMULTANEOUS PLAT APPROVAL.

If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with [Chapter 1244](#). Development plan approval and subdivision plat approval may proceed simultaneously at the discretion of the Planning Commission.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.15 ACTION BY PLANNING COMMISSION.

For a general or final development plan, the Planning Commission shall either:

- (a) Approve the development plan as submitted;
- (b) Approve the plan subject to specific conditions not included in the plan as submitted, such as, but not limited to:
 - (1) General Development Plan. General lot layout, open space arrangement, or on-site control of access to streets.
 - (2) Final Development Plan. Improvements to the yard layout, open space arrangement, on-site control of access to streets or such features as fences, walls and plantings to further protect and improve the proposed and surrounding developments.

(c) Table the development plan for the next scheduled Planning Commission meeting, demonstrating to the applicant an acceptable alternative plan; or

(b) Deny the development plan when the application does not demonstrate that the required standards have been met. The Planning Commission shall state the reasons for its denial.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.16 EQUIVALENCY PROVISION.

In reviewing the application, the Planning Commission may find that a final development plan either adheres to or is equivalent to the requirements of this Planning and Zoning Code.

(a) The Planning Commission may consider elements of a final development plan to be equivalent to a requirement if:

(1) The proposed final development plan substantially complies with all specific requirements and with the purposes, intent and basic objectives of the zoning district;

(2) Through imaginative and skillful design in the arrangement of buildings, open space, streets, access drives and other features, as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards and requirements; and

(3) The development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety or general welfare of the community.

(b) It shall be the responsibility of the applicant to demonstrate to the Planning Commission that the provisions of this section have been satisfied. A finding of equivalency shall require a unanimous vote of the members for the Planning Commission present. When evaluating the application with respect to this section, the Planning Commission shall make any finding of equivalency in writing which explains how and why the proposal has satisfied the above criteria. When making such finding, the Commission may approve the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Planning and Zoning Code.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

1228.17 SIGNIFICANCE OF AN APPROVED DEVELOPMENT PLAN.

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development.

(a) The approved development plan may be transferred to another person, corporation, or group of individuals or corporations prior to the issuance of a building permit. Such a transfer shall occur only upon approval of the Planning Commission. A request for such a transfer or change of ownership shall be presented to the Planning Commission and granted only if the new ownership entity satisfies the administrative, financial, legal and all other performance guarantees approved with the original development plan.

(b) After the approval of the development plans, including the approval of improvements for business, office and industrial properties as set forth in Section [1244.07](#), the applicant shall obtain a zoning permit and building permit prior to construction.

(c) All construction and development under any building permit shall be in accordance with the approved plan. Any departure from such plan shall be cause for revocation of the zoning permit.

(d) No zoning permit for a dwelling unit in a subdivision or cluster project shall be issued until signed documents establishing the legal entity responsible for common areas and facilities are submitted to the Zoning Enforcement Officer.

(e) No certificate of occupancy shall be issued unless all facilities and improvements that are included on the approved plans are provided, except as otherwise permitted in Section [1226.05](#)(d).

(f) Approval of final development plan does not absolve developer of responsibility for compliance with the City's Building Codes, the Ohio Fire Codes, ADA requirements, or any other governmental laws and regulations.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12; Ord. 44-13. Passed 5-13-13.)

1228.18 EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

An approved development plan shall remain valid for a period of 12 months following the date of its approval, unless Council has entered into a developer's agreement with the applicant, in which case the development plan shall be valid for the period of time noted in such agreement.

(a) General Development Plan. If, at the end of that time, a final development plan has not been submitted to the Planning Coordinator, then approval of the general development plan shall expire and shall be of no effect unless resubmitted. Re-approval upon resubmission shall be in accordance with the laws of the City existing at the time of resubmission. Applicants may apply for one 12-month extension. See Section [1244.09](#)(f)(5).

(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 re-approved 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 have been completed.

(c) Phased Development. An approved general development plan for phased development shall remain valid, provided not more than 12 months lapses between the completion of the building construction of one phase and submission of a final development plan for the subsequent phase.

(Ord. 58-01. Passed 5-29-01; Ord. 79-12. Passed 9-10-12.)

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