

**CHAPTER 720
Development Plan Review**

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Sec. 720.1 INTENT.

The purpose of this Chapter is to provide adequate review of proposed developments where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and welfare of the community. Having prepared and adopted the Montville Township Development Plan and established a continuing planning process, development plan review criteria are hereby established to achieve, among others, the following specific purposes:

- A. To provide for the planning of land and the design of buildings as a coordinated process.
- B. To provide for the integration of new developments with the surrounding environment.
- C. To provide a system of site development controls to ensure that all developments are consistent with the Township Zoning Resolution.
- D. To ensure that a single development or one built in progressive stages will be constructed in accordance with the approved design.
- E. To ensure the proposals will be developed in accordance with the objectives and policies of the Montville Township Development Plan.

Sec. 720.2 DEVELOPMENT PLAN REVIEW REQUIRED.

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

- A. Preliminary Development Plan. A preliminary development plan that indicates the general concept of development for an entire development site, including the general location of use areas, open space and circulation pattern shall be required for all proposed Conservation and Controlled Density Planned Residential Developments and any project that includes phased development, including, but not limited to, subdivisions and planned commercial developments. Applicants for other types of projects may but are not required to submit a preliminary development plan.

- B. Final Development Plan. A final development plan that indicates, among other things, the exact location of buildings, parking areas, access drives, restricted open space, easements, signs and outdoor storage areas shall be required for the following:
 - 1. All proposed Conservation and Controlled Density Planned Residential Developments following review and approval of a preliminary development plan.
 - 2. New construction of all permitted uses in commercial districts (Revised 09/10/09);
 - 3. New construction of all conditional uses;
 - 4. Any existing or previously approved development meeting the criteria of B2 or B3 above, that proposes to alter, reconstruct or otherwise modify a use or site, including expanding the floor area of the permitted use, or changing the use which requires an increase in the amount of parking or a change in the site's circulation. (Revised 09/10/09)
 - 5. A Development Plan Review and Zoning Certificate shall be required for wind energy conversion systems in residential and commercial districts. (Effective 10/28/10)

- C. Review of Development Plans Waived. The Zoning Commission may determine that review of a development plan is not required where no changes are proposed for an existing site or where only inconsequential changes, as determined by the Zoning Commission, are proposed.

- D. A topographic survey of the proposed development area, with contours lines at two-foot intervals.
- E. Existing major vegetation features, wooded areas and large isolated trees, one foot or more in diameter.
- F. Location of wetlands (and potential wetlands), the floodplain boundary and floodplain elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
- G. Delineation of existing drainage patterns on the property, existing wells and well sites;
- H. The general location of development areas identified by use, including any fee simple lots and restricted open space areas if part of the proposed project;
- I. The general layout of the proposed circulation system for vehicles and pedestrians, other proposed public ways, access points, and the parking and service system;
- J. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use including streets and open space and the number of dwelling units by type;
- K. Proposed phases if the project is to be developed in stages indicating the phase(s) during which any common facilities are anticipated to be constructed;
- L. The following items for Conservation and Controlled Density Planned Residential Developments, in addition to the items identified in subsections A-N above:
 - 1. Areas or structures of known historic significance;
 - 2. Existing views and identification of unique vistas;
 - 3. The location, size, number of units, and density of cluster areas;
 - 4. Natural features to be conserved and any required buffer areas; and
 - 5. Any proposed recreational facilities.
- M. Such other reasonable information as the Zoning Commission may require in order to evaluate the general concept of the proposed development.
- N. For additional Wind Energy Conversion System requirements, see Section 410.8 L. 14. (Effective 10/28/10)

Sec. 720.5 FINAL DEVELOPMENT PLAN SUBMISSION REQUIREMENTS.

An application for final development plan review shall be required for each phase of development. Fifteen (15) sets of the application and the application fee shall be submitted to the Zoning Inspector. The application shall include the following maps, plans, designs and supplementary documents, unless items are determined by the Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Zoning Inspector.

- A. An accurate legal description prepared by or certified by a registered surveyor of the state;
- B. A property location map showing existing property lines, easements, utilities and street rights-of-way;
- C. A final development plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:
 - 1. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;
 - 2. Location of all public rights-of-way, private streets and common drives;
 - 3. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
 - 4. Proposed and existing fences, walls, signs, 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;
 - 7. Dimension of all buildings, building spacing, setbacks, parking areas, drives and walkways.
 - 8. A topographic survey of the proposed development area, with contour lines at two-foot intervals.
 - 9. Existing vegetation features, including large isolated trees, one foot or more in diameter, wooded areas, wetlands and other environmental features;
- D. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;

- E. Preliminary architectural plans for the proposed development or use, showing exterior elevations and building floor plans, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal).
- F. A summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type;
- G. For a phased development, a proposed schedule for completion of improvements that are designed to relate to, benefit or be used by the entire development. Such schedule shall be submitted with the first phase and shall relate completion of such improvements to completion of one or more phases of the development.
- H. A road culvert permit when required by Section 710.8;
- I. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain and wetland regulations, if applicable.
- J. The following items for Conservation and Controlled Density Planned Residential Development, in addition to the items identified in subsections A-J above:
 - 1. Location of building envelopes within which dwelling units are to be constructed, and lot lines for single-family detached dwellings.
 - 2. The substance of covenants, grants of easements, or the restrictions proposed to be imposed upon the use or maintenance of land and buildings. If the proposed project is a phased development, such documentation shall be submitted with each phase.
- K. Other information necessary for the evaluation of the final development plan as deemed necessary by the Zoning Inspector.
- L. Review Fees: The applicant shall pay such fees as set by the Trustees.
- M. For additional Wind Energy Conversion System requirements, see Section 410.8 L. 14. (Effective 10/28/10)

Sec. 720.6 DEVELOPMENT PLAN REVIEW PROCEDURES.

Preliminary development plans and final development plans shall be reviewed and distributed according to the following procedures.

- A. Review for Completeness. The Zoning Inspector shall, within 30 days of receiving a submitted application for a preliminary development plan or a final development plan, review the development plan to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Zoning Commission.

- B. Distribution of Plans. The Zoning Inspector shall distribute the application to the following for review and comment. All reports, comments, or expert opinions shall be returned to the Zoning Inspector.
 - 1. Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development, including, but not limited to, the County Planning Commission, the County Health Department, and County Sanitary Engineer.
 - 2. Other agencies, which at the discretion of the Township, may have appropriate technical expertise.
 - 3. Appropriate local Township administrative officials, including the Township Trustees and Zoning Inspector.
 - 4. Appropriate professional consultants retained by the Township. The applicant shall pay the cost of review by the consultant.

- C. Transmission to the Zoning Commission. The application for development plan review and all reports or comments prepared by the individuals in subsection B above shall be compiled by the Zoning Inspector and transmitted to the Zoning Commission.

Sec. 720.7 ZONING COMMISSION REVIEW OF A PRELIMINARY DEVELOPMENT PLAN.

In reviewing preliminary development plans, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

- A. The appropriate use and value of property within and adjacent to the area will be safeguarded.
- 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 properly designed open spaces that meet the objectives of the Township's Development Plan and the Zoning Resolution.

Sec. 720.8 ZONING COMMISSION REVIEW OF A FINAL DEVELOPMENT PLAN.

In reviewing final development plans, the Zoning Commission shall determine that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

- A. The development plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of this Resolution.
- 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 preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Resolution.
- D. All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- E. Grading, surface drainage and sediment control provisions comply with all applicable sections of the Medina County Engineering Code for Subdivision Development.

- F. The design and construction standards of all private streets and any public improvements shall conform to the provisions of the Medina County Engineering Code for Subdivision Development.
- G. Maximum possible privacy for adjacent residential properties shall be provided through good design and use of the proper building materials and landscaping according to the requirements set forth in this Resolution.
- H. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of buildings height, mass, texture, materials, lines and patterns, and character.
- I. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography. Additional tree plantings shall be required on certain sites, according to the Tree Preservation Regulations set forth in this Resolution.
- J. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation.
- K. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion.
- L. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses.
- M. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property.
- N. The final development plan shall substantially conform to any preliminary development plan approved for the site.
- O. If the proposed development is to be carried out in phases, each phase has adequate provision for vehicular and pedestrian access, parking, landscaping, and seeding of restricted open space areas and other improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases and adjoining property.

Sec. 720.9 ACTION BY ZONING COMMISSION.

- A. For a preliminary or final development plan, the Zoning Commission shall either:
 - 1. Approve the development plan as submitted; or
 - 2. Return the development plan to the applicant with specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general lot layout, open space arrangement or on-site control of access to streets. A revised hard lined drawing with the specific conditions and/or alterations must be resubmitted prior to approval.
 - 3. Deny the development plan because the proposed plan does not meet the requirements and/or purposes of these regulations.
- B. Upon approval of the preliminary development plan, the developer shall prepare and submit to the Zoning Commission a final development plan. The final development plan shall include any modifications required by the Zoning Commission during the preliminary development plan approval procedures.
- C. Approval of a final development plan by the Zoning Commission shall authorize the Zoning Inspector to issue a Zoning Certificate for the proposed use, except in the case of Conservation and Controlled Density Planned Residential Developments which shall require the review and approval of plans for individual buildings according to the procedures set forth in Chapter 710.
- D. Failure of the Zoning Commission to act within 45 days from the date the application was determined complete, or an extended period as may be agreed upon, shall, at the election of the applicant, be deemed a denial of the development plan.

Sec. 720.10 EQUIVALENCY PROVISION.

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

- A. The Zoning Commission may consider elements of a final development plan to be equivalent to a requirement of this Resolution if:
 - 1. The proposed final development plan substantially complies with all specific requirements and with the purpose, intent and basic objectives of the zoning district;
 - 2. Through imaginative and skillful design in the arrangement of buildings, open space areas, 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 or 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 Zoning Commission that the provisions of this Section have been satisfied. When evaluating the application with respect to this Section, the Zoning 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 Zoning Resolution.

Sec. 720.11 FINANCIAL GUARANTEE.

A performance bond or other financial guarantee shall be placed with the Montville Township Trustees to insure the installation of the landscaping and the hardsurfacing of private drives and parking areas and other amenities in conformance with approved plans. This financial guarantee shall be in an amount equal to either (1) the estimated cost of installing said amenities, or (2) 10 percent of the estimated cost of the total project, whichever is greater. In a phased project, this applies to each individual phase. For wireless telecommunication facility performance bond see Section 540.5 P. (Revised 10/28/10)

Sec. 720.12 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 the Zoning Commission authorizes a longer period at the time of approval.

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

- C. Return of Financial Guarantee. In the event approval of a final development plan expires according to subsection B above, any performance bond or other financial guarantee shall be returned to the applicant.

**Sec. 720.13 SIGNIFICANCE OF AN APPROVED FINAL DEVELOPMENT PLAN;
PLAN REVISIONS.**

An approved final development plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final development plan may be transferred to another person, corporation, or group of individuals or corporations who shall be subject to all requirements set forth in the approved plans. All construction and development under any zoning permit shall be in accordance with the approved final development plan. Any departure from such plan shall be a violation of this Zoning Resolution. Any changes in an approved preliminary development plan or final development plan shall be resubmitted for approval in accordance with this Chapter.

**Sec. 720.14 REVISIONS TO ASSOCIATION DOCUMENTS APPROVED BY
TOWNSHIP'S LEGAL ADVISOR.**

Whenever a homeowner's association, community association, condominium association or similar legal entity amends those portions of their bylaws or code of regulations that pertains to maintenance obligations or access to common areas within a residential development such amendment shall be submitted to the Township's legal advisor for review and approval. Failure to obtain approval of such amendment shall be deemed a violation of this Zoning Resolution. (Revised 09/10/09)