

§ 153.066 REVIEW AND APPROVAL PROCEDURES AND CRITERIA

(A) Intent

The intent of §153.066 is to provide an efficient and predictable review process for applications for rezoning and/or development within the Bridge Street Corridor districts and to enhance Dublin’s reputation for high quality development while allowing property owners to compete for development consistent with the Vision Principles and direction articulated in the Bridge Street Corridor Vision Report. The review and approval procedures and criteria are also intended to ensure that new development and redevelopment is served by adequate and efficient infrastructure so as not to burden the fiscal resources of the City, and generally to protect the health, safety, and general welfare of residents, occupants, and users of property in the BSC districts and surrounding areas of the city.

(B) Required Reviews

(1) This section outlines the requirements and procedures for development review specifically within the BSC districts. The review types of §153.066 shall be used for all development applications in a BSC district.

- (a) Refer to Table 153.066-A, Summary Procedure Table, for the list of reviews and procedures applicable in all BSC districts.
- (b) Refer to Figure 153.066-A, Review and Approval Procedures for Planning and Zoning Commission Reviews.
- (c) Refer to Figure 153.066-B, Review and Approval Procedures for Architectural Review Board Reviews.
- (d) Refer to Figure 153.066-C, Other Review and Approval Procedures, illustrate the review and approval procedures for development in all Bridge Street Corridor districts.

(2) The following abbreviations and terms are used in §153.066:

- ART – Administrative Review Team
- ARB – Architectural Review Board
- BZA – Board of Zoning Appeals
- Commission – Planning and Zoning Commission
- Council – City Council

TABLE 153.066-A: SUMMARY PROCEDURE TABLE						
R = Recommendation		D = Decision		A = Administrative Appeal		RF = Review & Feedback
Type of Application	ART	ARB	BZA	Commission	Council	City Code Reference
Zoning Code Approvals						
Zoning Map or Text Amendment	R	R		R	D	§153.234
Conditional Use	R	R		D		§153.236
Special Permit	R		D			§153.231(G)
Use Variance	R		R		D	§153.231(H)
Non-Use (Area) Variance	R		D			§153.231(H)
Subdivision Reviews						
Preliminary Plat	R			R	D	Chapter 152

TABLE 153.066-A: SUMMARY PROCEDURE TABLE						
R = Recommendation		D = Decision		A = Administrative Appeal		RF = Review & Feedback
Type of Application	ART	ARB	BZA	Commission	Council	City Code Reference
Final Plat	R			R	D	Chapter 152
Other Approvals						
Administrative Appeals			D		A	§153.231(F)
Building Code Appeal			D			§153.231(I)
Bridge Street Corridor Districts						
Pre-Application Review	RF					§153.066(C)
ARB Basic Plan Review	R	RF				§153.066(D)(3)
Basic Plan Review Other BSC Districts	R			RF		§153.066(D)
ARB Development Plan Review	R	D	A		A	§153.066(E)(6)
Development Plan Other BSC Districts	D		A		A	§153.066(E)
Development Plan Elective Review	R		A	D	A	§153.066(E)(3)
Development Plan Waiver Review	R		A	D	A	§153.066(E)(4)
ARB Site Plan Review	R	D	A		A	§153.066(F)(6)
Site Plan Review Other BSC Districts	D		A		A	§153.066(F)
Site Plan Review Elective Review	R		A	D	A	§153.066(F)(3)
Site Plan Review Waiver Review	R		A	D	A	§153.066(F)(4)
Minor Projects	D		A		A	§153.066(G)
Administrative Departure	D		A		A	§153.066(H)
Open Space Fee in Lieu	R		A	D	A	§153.064(D) and (E)
Minor Modification to Approved Plans	D		A		A	§153.066(I)
Certificate of Zoning Plan Approval (Building and Site Modifications)	D		A		A	§153.066(L)(3)
ARB Master Sign Plan Review	R	D	A		A	§153.065(H)(2)
Master Sign Plan Other BSC Districts	R/D		A	D	A	§153.065(H)(2)

(C) Pre-Application Review

(1) Purpose and Applicability

- (a) A Pre-Application Review with the Administrative Review Team (ART) is required for any proposal that requires Development Plan or Site Plan Review approval under the provisions of §153.066(E) and (F). The purpose of the Pre-Application Review is to provide a potential applicant with a non-binding review of a development proposal and to provide information on the procedures and policies of the City, including the application review procedures that may be used.
- (b) Pre-Application Reviews may be submitted and processed simultaneously with a request for a Basic Plan Review as provided in §153.066(D).
- (c) Pre-Application Reviews do not result in a development decision or permit, and shall not obligate the City or the developer to take any action on the proposal.

(2) Review Procedure

- (a) A request for a Pre-Application Review shall be made in accordance with the provisions of §153.066(L).
- (b) The City shall notify the applicant in writing at least five days prior to the Pre-Application Review meeting.

- (c) The ART and other applicable departments shall be promptly notified of the ART Pre-Application Review meeting. Prior to the meeting the Director shall distribute the submitted materials to the ART and other applicable City departments for input and recommendations.
 - (d) The ART shall review the submitted materials and provide non-binding input and recommendations. The ART shall complete its review of the application not more than 14 days from the date the request was submitted.
 - (e) A written summary of comments and suggestions made during the Pre-Application Review shall be provided to the applicant not more than 10 days after the Pre-Application Review meeting.
 - (f) Prior to filing an application for the Basic Plan Review, the applicant shall be given the opportunity to revise the application in response to the ART's comments. The applicant may schedule additional Pre-Application Review meetings with the ART prior to filing a request for a Basic Plan Review.
 - (g) The written summary of the Pre-Application Review shall be forwarded to the required reviewing body with the application for a Basic Plan Review.
- (D) Basic Plan Review
- (1) Purpose and Applicability
 - (a) The purpose of the Basic Plan Review is to outline the scope, character, and nature of the proposed development. The process is intended to allow the required reviewing body to evaluate the proposal for its consistency with the Bridge Street Corridor Vision Report and this Chapter. It is also intended to provide clear direction to the applicant and the ART in its review of an application for Development Plan or Site Plan Review.
 - (b) The Basic Plan Review is also intended to provide an opportunity for public input at the earliest stages of the development process.
 - (c) Except as provided in §153.066(D)(1)(d), a Basic Plan Review with the Planning and Zoning Commission is required for any proposal that requires Development Plan or Site Plan Review approval under the provisions of §153.066(E) and (F).
 - (d) A Basic Plan Review with the Architectural Review Board for applications involving property within the boundaries of the Architectural Review District is at the option of the applicant, or may be required by the ART if it concludes that the application includes major site or building improvements that would benefit from a Basic Plan Review by the ARB.
 - (2) Review Procedure
 - (a) An application for a Basic Plan Review shall be made in accordance with the provisions of §153.066(L).
 - (b) Public Review

A public review of a Basic Plan application shall be held in accordance with the provisions of §153.066(L).

- (c) The Planning and Zoning Commission shall approve, approve with conditions, or deny the Basic Plan Review based on the Development Plan Review Criteria of §153.066(E)(5) and/or the Site Plan Review Criteria of §153.066 (F)(5). The decision on the Basic Plan Review shall be provided not more than 28 days from the filing of the Basic Plan Review application. The Commission shall schedule meetings as necessary to meet the review period requirement. If denied, the applicant shall be permitted to reapply for another Basic Plan Review.
- (d) The applicant may request additional Basic Plan Reviews, which shall be subject to a 28 day review period and the required public review.
- (e) The Basic Plan Review decision provided by the required reviewing body shall be forwarded in writing to the applicant not less than 10 days following the review. The decision on the Basic Plan Review shall be incorporated into the Development Plan and/or Site Plan Review application.
- (f) If a Development Plan and/or Site Plan Review application is not submitted within one year from the date of the last Basic Plan Review for a site, the applicant shall be required to obtain an additional Basic Plan Review by the required reviewing body prior to submitting an application for a Development Plan and/or Site Plan Review involving the same site in accordance with §153.066(L).

(E) Development Plan Review

(1) Purpose and Applicability

- (a) The purpose of the Development Plan Review is to ensure that the street network and block framework meet the requirements of §§153.060 and 153.061, and §153.063 as applicable, and to ensure that the proposed development is consistent with the general development requirements of the City with respect to such elements as infrastructure, transportation, and environmental considerations. The Development Plan review process is not intended to be a review of the individual development regulations of §153.059 and §§153.062 through 153.065, which is intended for the Site Plan Review process.
- (b) An application for a Development Plan Review is required in the following conditions:
 - 1. The application involves the construction of more than one principal structure on one or more parcels; or
 - 2. The application includes five or more gross acres of land; or
 - 3. The application involves the design or construction of new streets, or a proposed realignment or relocation of any other street in the general pattern of street development conceptualized by the Bridge

Street Corridor Street Network map in §153.061 that is required or permitted by the City.

- (2) Review Procedure
 - (a) An application for a Development Plan Review shall be made in accordance with the provisions of §153.066(L).
 - (b) The ART shall review the Development Plan application under the criteria of §153.066(E)(5) and render a decision not more than 28 days from the receipt of a completed application, except as provided for in §153.066(E)(6). A written summary of the ART's decision shall be provided to the applicant not more than 10 days after the Development Plan Review meeting.
 - (c) Following the review, the applicant shall be given the opportunity to revise the application in response to the ART's comments if the application is not approved by the ART. The applicant may request additional subsequent meetings with the ART, which shall also be subject to a 28 day time limit for a decision.
- (3) Development Plan Elective Review
 - (a) Rather than reaching a final determination under the provisions of §153.066(E)(2), the ART may elect to forward any Development Plan application to the Planning and Zoning Commission for a decision if it concludes that the application raises complex issues, such as the need for major infrastructure improvements and other neighborhood or community-wide effects, that would benefit from a Commission decision.
 - (b) The ART shall submit its recommendation for consideration by the Commission under the procedures of §153.066(E)(2).
 - (c) Public Review

A public review of a Development Plan Elective Review application shall be held in accordance with the provisions of §153.066(L).
 - (d) The Commission shall consider the application and render a decision under the criteria of §153.066(E)(5) not more than 28 days from the recommendation of the ART.
- (4) Development Plan Waiver Review
 - (a) Except for those applications provided for in §153.066(E)(6), applications for Development Plan approval that deviate from one or more of the requirements of §§153.060 and 153.061, and that do not qualify for an Administrative Departure under the provisions of §153.066(H), may be reviewed by the Planning and Zoning Commission as a Development Plan Waiver.
 - (b) The applicant shall submit a list of proposed Waivers with the Development Plan application. Should other necessary Waivers be identified by the ART during its review, those Waivers may be included

for review by the Commission. The ART shall review the requested Waivers and make recommendations to the Commission for their approval, denial, or approval with conditions in accordance with §153.066(E)(2).

- (c) The Commission shall review the recommendation of the ART and the specific Development Plan Waivers using the criteria of §153.066(E)(4)(e). Should other Waivers be necessary to resolve conflicts with other requirements of this Chapter resulting from the requested Waivers, those Waivers shall also be reviewed by the Commission.
- (d) The Commission shall approve, deny, or approve with conditions the specific Development Plan Waiver request(s) not more than 28 days from the recommendation of the ART.
- (e) Criteria for Development Plan Waivers

Each required reviewing body shall make its recommendation or its decision on an application for Development Plan Waivers based on each of the following criteria and the recommendation of the required reviewing body during the Basic Plan Review:

- 1. The need for the Development Plan Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstance outside the control of the owner/lessee, including easements and rights-of-way;
- 2. The Waiver, if approved, will generally meet the spirit and intent of the Vision Report;
- 3. The Waiver is not being requested solely to reduce cost or as a matter of general convenience; and
- 4. The other elements of the Development Plan not affected by the Waiver will be generally consistent with §153.060(A) and §153.061(A).

(5) Review Criteria for Development Plans

Each required reviewing body shall make its recommendation or its decision on an application for Development Plan approval based on each of the following criteria and the recommendation of the required reviewing body during the Basic Plan Review:

- (a) The Development Plan shall be substantially similar to the approved Basic Plan.
- (b) The lots and blocks proposed are consistent with the requirements of §153.060;
- (c) The application is consistent with the general pattern of street development conceptualized by the BSC Street Network as shown in §153.061, and the expected traffic from the development can be accommodated on existing or proposed streets consistent with that system;

- (d) The application is consistent with the requirements of §153.063, Neighborhood Standards, if applicable;
 - (e) If the development is to be implemented in phases, each phase is able to be considered independently, without the need for further phased improvements;
 - (f) The application demonstrates consistency with the Vision Report, Community Plan and other related policy documents adopted by the City; and
 - (g) The application provides adequate and efficient infrastructure to serve the proposed development, consistent with the City's most recently adopted Capital Improvements Program.
- (6) Architectural Review Board (ARB)
- (a) Applications for Development Plan approvals for property within the boundaries of the Architectural Review District shall be reviewed by the ART and then forwarded to the ARB with a recommendation for approval, approval with conditions, or denial. Applications for ARB approval shall be reviewed in accordance with §153.066(E)(5), as well as the provisions of §153.170 through §153.180.
 - (b) Public Review
A public review of a Development Plan application by the ARB shall be held in accordance with the provisions of §153.066(L).
 - (c) The ARB shall make a decision on the application not more than 28 days from the date of the ART's recommendation.
 - (d) As part of the Development Plan approval, the ARB may review any Development Plan Waivers from the requirements of §§153.060 and 153.061 and approve, deny, or approve with conditions the specific provisions under review. Should other Waivers be necessary to resolve conflicts with other requirements of this Chapter resulting from the requested Waivers, those Waivers shall also be reviewed by the ARB in accordance with §153.066(E)(4)(e).
- (F) Site Plan Review
- (1) Purpose and Applicability
 - (a) The purpose of the Site Plan Review is to confirm that the proposed development of an individual site and building is consistent with the BSC district regulations. The Site Plan Review process is intended as a review of the individual development regulations of §153.059 and §§153.062 through 153.065. Approval of the Site Plan Review includes assuring that the dimensions of a parcel meet the lot size requirements for the applicable building type(s) and that the surrounding street network meets the applicable requirements of §§153.060 and 153.061.

- (b) A Site Plan Review is required for any development application within the BSC districts, including those applications for which a Development Plan is required, with the exception of any application meeting the requirements for a Minor Project as provided in §153.066(G).
- (2) Review Procedure
- (a) An application for a Site Plan Review shall be made in accordance with the provisions of §153.066(L).
 - (b) The ART shall review the Site Plan Review application under the criteria of §153.066(F)(5) and render a decision not more than 28 days from the receipt of a completed application, except for those applications provided for in §153.066(F)(6). A written summary of the ART's decision shall be provided to the applicant not more than 10 days after the Site Plan Review meeting.
 - (c) Following the review, the applicant shall be given the opportunity to revise the application in response to the ART's comments if the application is not approved by the ART. The applicant may request additional subsequent meetings with the ART, subject to the same time limits of §153.066(F)(5)(b).
- (3) Planning and Zoning Commission Site Plan Review Elective Review
- (a) A Site Plan Review Elective Review shall be conducted by the Planning and Zoning Commission under the following conditions:
 - 1. The ART may forward any Site Plan Review application to the Planning and Zoning Commission for a decision if it concludes that the application raises complex issues, such as the need for major infrastructure improvements and other neighborhood or community-wide effects that would benefit from a Commission decision.
 - 2. Should the ART determine that the number and scope of Site Plan Review Waivers requested by the applicant would have a detrimental effect on the intent of the district in which it is located and/or the Vision Report, it may forward the Site Plan Review application for Commission review, provided that any elements of the application meeting this Chapter remain unchanged.
 - 3. Any applicant may request a Site Plan Review by the Commission to modify any provisions of §153.059 and §§153.062 through 153.065. The Commission shall approve the requested modifications only after reaching findings that all of the following are met:
 - A. The development proposal as modified will otherwise meet the spirit and intent of the district in which it located and the Vision Report;

- B. The requested modification will result in a development of equal or greater quality with respect to design, material, and other similar development features;
 - C. The requested modification would better be addressed through an individual modification rather than an amendment to the requirements of this Chapter; and
 - D. The request for a modification is caused by unique site conditions or conditions on surrounding properties, and is not being requested simply to reduce cost or as a matter of general convenience.
- (b) **Public Review**
A public review of a Site Plan Review Elective Review application shall be held in accordance with the provisions of §153.066(L).
- (c) **Review Determination**
- 1. The ART shall review the Site Plan Review Elective Review application and submit its recommendation for consideration by the Commission under the procedures of §153.066(F)(2).
 - 2. The Commission shall consider the application and render a decision under the criteria of §153.066(F)(5) not more than 28 days from the recommendation of the ART.
- (4) **Site Plan Review Waiver Review**
- (a) Except for those applications provided for in §153.066(F)(6), applications for Site Plan Review approval that deviate from one or more of the requirements of §153.059 and §§153.062 through 153.065, and that do not qualify for an Administrative Departure under the provisions of §153.066(H), shall be reviewed by the Planning and Zoning Commission.
 - (b) The applicant shall submit a list of proposed Waivers with the Site Plan Review application. Should other necessary Waivers be determined by the ART during its review, those Waivers may be included for review by the Commission. The ART shall review the requested Waivers and make recommendations to the Commission for their approval, denial, or approval with conditions under the procedures of §153.066(F)(2).
 - (c) The Commission shall review the recommendation of the ART and the specific Site Plan Review Waivers using the criteria of §153.066(F)(4)(e). Should other Waivers be necessary to resolve conflicts with other requirements of this chapter resulting from the requested Waivers, those Waivers shall also be reviewed by the Commission.
 - (d) The Commission shall approve, deny, or approve with conditions the specific Site Plan Review Waiver request(s) not more than 28 days from the recommendation of the ART.
 - (e) **Criteria for Site Plan Review Waivers**

Each required reviewing body shall make its recommendation or its decision on an application for a Site Plan Review Waiver approval based on each of the following criteria, and with due consideration of the recommendation of the ART:

1. The need for the Site Plan Review Waiver is caused by unique site conditions, the use of or conditions on the property or surrounding properties, or other circumstance outside the control of the owner/lessee, including easements and rights-of-way;
2. The Site Plan Review Waiver is not being requested solely to reduce cost or as a matter of general convenience;
3. The Site Plan Review Waiver does not have the effect of authorizing any use or open space type that is not otherwise permitted in that BSC district; and
4. The Site Plan Review Waiver, if approved, will ensure that the development is of equal or greater development quality with respect to design, material, and other similar development features than without the Waiver.

(5) Review Criteria for Site Plan Review

Each required reviewing body shall make its recommendation or its decision on an application for Site Plan Review approval based on each of the following criteria and the recommendation of the required reviewing body during the Basic Plan Review:

- (a) The Site Plan Review shall be substantially similar to the approved Basic Plan.
- (b) If a Development Plan has been approved that includes the property, the application is consistent with the Development Plan;
- (c) The application meets all applicable requirements of §153.059 and §§153.062 through 153.065 except as may be authorized by Administrative Departure(s) pursuant to §153.066(H);
- (d) The internal circulation system and driveways provide safe and efficient access for residents, occupants, visitors, emergency vehicles, bicycles, and pedestrians;
- (e) The relationship of buildings and structures to each other and to other facilities provides for the coordination and integration of the development within the surrounding area and the larger community and maintains the image of Dublin as a high quality community;
- (f) The application is consistent with the requirements for types, distribution, and suitability of open space in §153.064 and the site design incorporates natural features and site topography to the maximum extent practicable;
- (g) The scale and design of the proposed development allows the adequate provision of services currently furnished by or that may be required by the

City or other public agency including, but not limited to, fire and police protection, public water and sanitary sewage services, recreational activities, traffic control, waste management, and administrative services;

- (h) Stormwater management systems and facilities will not cause alterations that could increase flooding or water pollution on or off the site, and removal of surface waters will not adversely affect neighboring properties;
 - (i) If the development is to be implemented in phases, each phase is able to be considered independently, without the need for further phased improvements; and
 - (j) The application demonstrates consistency with the BSC Vision Report, Community Plan and other related policy documents adopted by the City.
- (6) Architectural Review Board (ARB)
- (a) Applications for Site Plan Review approvals for property within the boundaries of the Architectural Review District shall be reviewed by the ART and forwarded to the ARB with a recommendation for approval, approval with conditions, or denial. Applications for ARB approval shall be reviewed using the criteria of §153.066(F)(5), as well as the provisions of §153.170 through §153.180.
 - (b) Public Review
A public review of a Site Plan Review by the ARB shall be held in accordance with the provisions of §153.066(L).
 - (c) The ARB shall make a decision on applications for Site Plan Review approval not more than 28 days from the date of the ART's recommendation.
 - (d) As part of the Site Plan Review approval, the ARB may review any requests for Site Plan Review Waivers from the requirements of §153.059 and §§153.062 through 153.065 and approve, deny, or approve with conditions the specific provisions under review. Should other Waivers be necessary to resolve conflicts with other requirements of this Chapter resulting from the requested Waivers, those Waivers shall also be reviewed by the ARB.
 - (e) In the event of a conflict between the requirements of §153.059 and §§153.062 through 153.065 and the provisions of §153.170 through §153.180, the ARB shall determine the most appropriate provisions to apply to the specific application based on the criteria of §153.066(F)(5).
- (G) Minor Projects
- (1) Purpose and Applicability
 - (a) The purpose of the Minor Project review is to provide an efficient review process for smaller projects that do not have significant community effects. The Minor Project review is necessary to ensure that applications meet the requirements of this chapter.

- (b) The following improvements are considered Minor Projects:
 - 1. Single family detached dwelling units.
 - 2. Multiple family and townhouse buildings of 8 or fewer dwelling units in a single building on an individual lot and not part of a larger development complex.
 - 3. Development of mixed use and non-residential principal structures of 10,000 square feet or less gross floor area, and associated site development requirements.
 - 4. Additions to principal structures that increase the gross floor area by not more than 25%, or not more than 10,000 square feet gross floor area, whichever is less, existing as of the effective date of this amendment, or when first constructed.
 - 5. Exterior modifications to principal structures involving not more than 25% of the total façade area of the structure.
 - 6. Signs, landscaping, parking, and other site related improvements that do not involve construction of a new principal building. Parks when used to meet requirements as an open space type, as provided in §153.064, shall require Site Plan Review.
 - 7. Accessory structures and uses.
 - 8. Modifications to Existing Structures in accordance with §153.062(B).
- (2) Review Procedure
 - (a) An application for a Minor Project Review shall be made in accordance with the provisions of §153.066(L).
 - (b) After accepting a complete application for a Minor Project, the ART shall approve, deny, or approve with conditions the application not more than 14 days from the date the request was submitted, provided that the applicant has provided all materials required by the City. The City shall notify the applicant in writing not less than five days prior to the review meeting.
 - (c) The ART shall review the application and approve, deny, or approve with conditions, based on the criteria of §153.066(F)(5)(e) applicable to Site Plan Review approvals. A written summary of the ART decision shall be provided to the applicant not more than 10 days after the Minor Project review meeting.
 - (d) Following the review, the applicant shall be given the opportunity to revise the application in response to the ART's comments if the application is not approved by the ART. The applicant may request additional subsequent meetings with the ART, which shall also be subject to the 14 day time limit for a decision.

(H) Administrative Departures

(1) Purpose and Applicability

The intent of §153.066(H) is to provide an administrative process to allow minor deviations from the strict application of the BSC district requirements caused by unusual site or development conditions or conditions unique to a particular use or other similar conditions that require reasonable adjustments, but remain consistent with the intent of this chapter. Examples include, but are not limited to, adjustments to building setbacks, parking requirements, landscaping, building materials, or other similar features or elements.

(2) Review Procedure

(a) An application for Administrative Departure may be submitted with an application for a Development Plan, Site Plan Review, or Minor Project approval, or at any time after those applications have been submitted and before a decision or recommendation by the ART has been made. If an application for Administrative Departure is made after an application for a Development Plan, Site Plan Review, or Minor Project has been filed, the Director may require that the time period for ART review start over on the day the request for an Administrative Departure is received.

(b) An application for an Administrative Departure may be processed simultaneously with the Development Plan, Site Plan Review, or Minor Project application to which it relates. The ART shall determine whether each requested Administrative Departure is approved, approved with conditions, or denied. Decisions on Administrative Departures shall be reported to the required reviewing body if a Development Plan, and/or Site Plan Review Waiver or Elective Review is conducted.

(c) Should the ART find that the request does not meet the criteria for an Administrative Departure, the applicant may file for a Development Plan Waiver under the provisions of §153.066(E)(4) or a Site Plan Review Waiver under the provisions of §153.066(F)(4), or submit a new application for Development Plan or Site Plan Review.

(3) Criteria for Administrative Departure Approval

The ART shall make its decision on Administrative Departure based on the following criteria:

(a) The need for the Administrative Departure is caused by unique site conditions, conditions on surrounding properties, and/or otherwise complies with the spirit and intent of the Vision Report, and is not being requested simply to reduce cost or as a matter of general convenience;

(b) The Administrative Departure does not have the effect of authorizing any use, sign, building type, or open space type that is not otherwise permitted in that BSC district;

(c) The Administrative Departure does not modify any numerical zoning standard related to building dimensions, lot dimensions or coverage, open

space, landscaping, parking, fencing, walls, screening, or exterior lighting by more than 10% of the requirement; and

- (d) The Administrative Departure, if approved, will ensure that the development is of equal or greater development quality with respect to design, material, and other development features than without the Administrative Departure.

(I) Minor Modifications

(1) Purpose and Applicability

- (a) The Director may authorize Minor Modifications to an approved Development Plan or Site Plan Review that are required to correct any undetected errors or omissions, address conditions discovered during the permitting process or construction, or that are necessary to ensure orderly and efficient development. Any approved Minor Modifications must be generally consistent with the approved Development Plan or Site Plan Review.

- (b) The following are considered Minor Modifications.

1. Adjustments to lot lines, provided no additional lots are created and required setbacks and/or RBZs are maintained;
2. Adjustments to the location and layout of parking lots provided the perimeter setbacks, yards and buffers, and required parking are maintained;
3. Adjustments for buildings up to 10% in total floor area of the originally approved building, building height(s) or floor plans, that do not alter the character of the use;
4. Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;
5. Redesigning and/or relocating stormwater management facilities provided that general character and stormwater capacities are maintained;
6. Relocating fencing, walls or screening (not including screening walls), provided that the same level and quality of materials and screening are maintained;
7. Modifications to sign location, sign face, landscaping and lighting, provided the sign number and dimensional requirements are maintained;
8. Changes in building material or colors that are similar to and have the same general appearance comparable to or of a higher quality as the material approved on the Site Plan Review;
9. Changes required by outside agencies such as the county, state, or federal departments; and/or

10. Other modifications deemed appropriate by the Director that do not alter the basic design or any specific conditions imposed as part of the original approval.
- (2) Review Procedure
 - (a) An application for a Minor Modification shall be made in accordance with the provisions of §153.066(L).
 - (b) The Director shall review the application and make a decision on the request for a Minor Modification not more than 14 days after receiving a complete application.
 - (c) Following the decision, the applicant shall be given the opportunity to revise the application in response to the Director's comments and resubmit for further consideration. If a revised application is submitted, the 14 day review period shall start over on the day the revised request is received.
 - (d) Requests not meeting the requirements for a Minor Modification shall require the filing and approval of a new application for a Development Plan Review, Site Plan Review, Minor Project Review, or other review, as applicable, in accordance with §153.066.
 - (J) Other Applicable Reviews
 - (1) Open Space Fee in Lieu

The Planning and Zoning Commission shall determine whether a request for a payment of a fee in lieu of open space dedication is appropriate, as provided in §153.064(D) and (E), after recommendation from the ART.
 - (2) Conditional Uses

The Conditional Use approval procedures in §153.236 shall apply in the BSC districts. In addition, a recommendation from the ART shall be submitted for consideration by the Planning and Zoning Commission.
 - (3) Zoning Map or Text Amendment

The amendment procedures of §153.234 shall apply in the BSC districts. In addition, a recommendation from the ART shall be submitted for consideration by the Planning and Zoning Commission and City Council.
 - (4) Preliminary and Final Plats

Reviews of Preliminary and Final Plats shall be governed by Chapter 152 of the Dublin Code of Ordinances.
 - (5) Special Permit

The Special Permit procedures in §153.231(G) shall apply in the BSC districts.
 - (6) Zoning Variance

The zoning Variance procedures in §153.231(H) shall apply in the BSC districts. In addition, a recommendation from the ART shall be submitted for consideration

by the Board of Zoning Appeals, and for City Council in the instance of a Use Variance.

(7) Public Tree Permit

The tree permit requirements of §153.134(G) shall apply in the BSC districts.

(8) Master Sign Plan

The Planning and Zoning Commission or Architectural Review Board shall review all master sign plans in the BSC districts, as provided in §153.065(H).

(K) Administrative Appeal

(1) The Administrative Appeal provisions of §153.231(F) apply in the BSC districts.

(2) Decisions on appeals are limited to those specific provisions or approvals that are the subject of the appeal. No other part of an application shall be modified by the Board of Zoning Appeals.

(3) The decision of the BZA may be further appealed to City Council within 10 days of the BZA decision.

(4) City Council must determine whether or not to hear the appeal, in its sole discretion and by a motion passed by a majority vote, no later than 21 days following the Clerk of City Council's receipt of the written notice of appeal, unless an extended time is agreed upon by City Council and the applicant.

(5) City Council shall decide the appeal no later than 28 days following the date of Council's decision to hear the appeal, unless an extended time is otherwise agreed upon by City Council and the applicant. In considering the appeal, City Council may consider any evidence and may affirm, reverse, or otherwise modify the decision of the BZA or any other part of the application.

(L) General Provisions

(1) Applications

(a) Each application required by §153.066 shall be made in writing on a form provided by the City and shall be accompanied by the fee as established by City Council.

(b) Applications for approvals in the BSC districts shall include all information required by the City, unless some information is deemed unnecessary by the Director based on the nature and scale of the proposed development. No application shall be accepted by the City until it is complete. Any applicable time limits noted in §153.066 shall not begin until a complete application is accepted by the City. If found to be incomplete, the Director shall inform the applicant of any additional materials required to complete the application.

- (c) After acceptance of a complete application, the Director and/or required reviewing body may request additional materials if deemed necessary to evaluate the proposal.
 - (d) Resubmission
No application for a Development Plan or Site Plan Review which has been denied by the required reviewing body shall be resubmitted for a period of one year from the date of the decision, unless permitted by the Director after a demonstration by the applicant of a change of circumstances from the previous application that may reasonably result in a different decision.
 - (e) Simultaneous Processing
In cases where a Development Plan application is submitted, a Site Plan Review and/or a Minor Project may be reviewed simultaneously with that Development Plan, but a Site Plan Review or Minor Project approval shall not be effective until the Development Plan has been approved. If appropriate, other required reviews as provided in this section may be processed jointly with a Development Plan and/or Site Plan Review application.
 - (f) Public Reviews
Where public reviews are required by this section, a written notice of the public meeting shall be sent to the applicant, property owner, and owners of parcels of land within 300 feet of the subject parcel(s), as listed on the County Auditor's current tax list, not less than 10 days prior to the meeting. The notice shall, at a minimum, indicate the property that is the subject of the request, describe the nature of the request, the time, date and location of the meeting at which the application will be considered, and indicate when and where written comments will be received concerning the request.
- (2) Decisions
- (a) Any application required to be reviewed under §153.066 shall be approved, approved with conditions, or denied by the required reviewing body based on the applicable review criteria as provided in §153.066. The recommending body and required reviewing body shall state the reasons for their decisions in the minutes and provide a written record of the decision to the applicant not more than 10 days after a recommendation or decision is made, unless otherwise provided in this section.
 - (b) Prior to reaching a decision, if the required reviewing body determines that an application does not meet the applicable review criteria as provided in §153.066, but determines that the application could meet those criteria with modifications that could not be reasonably conditioned, the applicant may request that the application be tabled to provide the opportunity to make those modifications. If the request for tabling is granted, a new

review period shall begin on the date the applicant submits a complete application with revised materials.

- (c) Following the approval of a Site Plan Review or Minor Project application, the applicant may proceed with the process for obtaining a Certificate of Zoning Plan Approval and building permit, consistent with the approval as granted. All construction and development under any building permit shall comply with the approved Site Plan Review and Development Plan, and any other approval, as applicable.

(3) Certificate of Zoning Plan Approval

A Certificate of Zoning Plan Approval issued by the Director verifying compliance with all applicable zoning requirements is required prior to modification, extension, or alteration of sites and structures, and/or change of use in BSC districts.

(4) Code Administration

The Planning and Zoning Commission and the Architectural Review Board may evaluate and monitor the application of the requirements and standards of §§153.057 through 153.066 by the ART. The Commission and the Architectural Review Board may advise the ART as to whether it finds that the requirements or standards (including requests for Administrative Departures) are being applied correctly, and recommend to City Council any changes needed in the BSC district standards and requirements to better implement the Vision Report.

(5) Time Extensions

- (a) Where the provisions of §153.066 require that an action be taken by the City within a stated period of time, that time may be extended with the written consent of both the applicant and the Director prior to expiration of the required time period.
- (b) If the applicant submits a revised application during any required review period, and the Director determines that the revised application differs substantially from the previous application, a new review period shall begin and additional meetings of the required reviewing body may be scheduled if deemed necessary by the Director.

(6) Duration of Approvals

- (a) An application shall be filed for a Development Plan and/or Site Plan Review approval within one year following the completion of the Basic Plan Review. If a Development Plan and/or Site Plan Review application is not filed within this period a new application for a Basic Plan Review shall be required in accordance with the requirements of §153.066(D).
- (b) All Development Plan, Site Plan Review, and Minor Project approvals made pursuant to §153.066 shall be valid for a period of two years. If an initial building permit for the approved development has not been issued within that two year period, the applicant shall be required to apply for a

new Development Plan, Site Plan Review, or Minor Project approval, as applicable, pursuant to §153.066 before obtaining a building permit.

(c) Abandonment

1. Once a final approval is granted by the required reviewing body, if significant construction is not started within two years and meaningfully continued, or the Director of Building Standards determines that work has been abandoned for a continuous period of six months, the approval shall lapse and cease to be in effect.
2. The Director of Building Standards shall establish the date of abandonment based on the presence of one or more of the following conditions:
 - A. Removal of construction equipment or supplies;
 - B. Expiration of an active building permit issued by the City;
 - C. Evidence of a failure to maintain the property, such as overgrown weeds, failure to secure buildings, broken windows, or other evidence of lack of maintenance;
 - D. Other actions documented by the Director of Building Standards and/or Director evidencing an intent to abandon the construction of the project.
3. If a new application is not submitted within 90 days from the date of abandonment as determined by the Director of Building Standards, the owner shall restore the site to its previous condition, and/or remove any structures or other evidence of work on the site, within 180 days from the date of abandonment.

(7) Administrative Review Team (ART)

- (a) The purpose of the Administrative Review Team is to provide for review and approval authority for certain applications as defined by §153.066. The Administrative Review Team is responsible for the comprehensive review of each application, and making recommendations to the Planning and Zoning Commission, Architectural Review Board, or Board of Zoning Appeals where required. The ART is also responsible for making decisions in an efficient and timely manner based on evaluation of objective development standards and specific review criteria. While these objective standards and criteria must guide the decisions of the ART, it is recognized that some degree of subjectivity must be part of the ART's deliberations.
- (b) The Administrative Review Team shall consist of the Director (Chair), City Engineer, Fire Chief, Economic Development Manager, Parks and Open Space Director, Police Chief, and Chief Building Official, or their representatives, and any other members appointed by the City Manager as deemed necessary, either as permanent or temporary members.

- (c) The ART may use the services of other professionals, such as architectural, engineering, and other consultants as they deem necessary, to advise the ART on the application of the provisions of this chapter.